



MEDINA, WASHINGTON

HEARING EXAMINER

Remote Public Hearing

Tuesday, February 27, 2024 – 10:00 AM

AGENDA

Virtual Meeting Participation

The scheduled hearing will be held using remote meeting technology. Please either log in or call-in a few minutes prior to the start of the meeting to participate. Written comments may still be submitted prior to the hearing by emailing Jonathan Kesler, AICP, Planning Manager, at jkesler@medina-wa.gov comments are given the same weight as public testimony.

Join Zoom Meeting

<https://us06web.zoom.us/j/85129703509?pwd=U3FHYZZDSWVTWWNhZVVneWpKMG1WUQT09>

Meeting ID: 851 2970 3509

Passcode: 868235

One tap mobile +12532158782,,85129703509#,,,,*868235# US (Tacoma)

Public Hearings:

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

PRE-DECISION HEARING:

File No.:

Proposal:

Location:

Time:

File No.: P-23-006 Non-Administrative Substantial Development Permit, P-23-017 SEPA Threshold

Proposal: Non-Administrative Substantial Development Permit to remove an existing pier and two jet ski lifts, and construct a new pier with a boat lift, platform lift, and double jet-ski lift.

Location: 3619 Evergreen Point Road

Applicant: Evan Wehr | Ecco Design Inc. (Agent)



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CITY OF MEDINA

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

STAFF ANALYSIS AND RECOMMENDATION HILL NON-ADMINISTRATIVE SUBSTANTIAL DEVELOPMENT PERMIT, CRITICAL AREAS REVIEW, SEPA THRESHOLD

Prepared by: Thomas Carter, Associate Planner, and Kimberly Mahoney, Principal Planner
Date: February 14, 2024

Summary of Recommendation: Staff supports approving the subject application.

PART 1 – GENERAL INFORMATION

CASE NO: P-23-006

LOCATION: 3619 Evergreen Point Road, 98039

TAX PARCEL NO: 2425049155

PROPERTY OWNER: David Hill

LEGAL DESCRIPTION:

PTN OF GOV LT 5, SECTION 24, TOWNSHIP 25 NORTH,
RANGE 4 EAST, W M

PROPOSAL: Non-Administrative Substantial Development Permit to remove an existing dock and lifts and construct a new pier with new jet-ski lifts and a boat lift.

ZONING: Single Family Residence, R-20

COMPREHENSIVE PLAN DESIGNATION: Single Family Residential

SHORELINE ENVIRONMENT DESIGNATION: Shoreline Residential

CRITICAL AREAS: The project site fronts Lake Washington, a critical area within Medina as per MMC 16.67.080.

ENVIRONMENTAL (SEPA) REVIEW: The lead agency for this proposal has determined that the proposed action does not have a probable significant impact on the environment. A Determination of Nonsignificance was issued on February 6, 2024; its appeal period ended on February 20, 2024. No comments or appeals were timely filed with the lead agency.

EXHIBITS:

1. Staff Report
2. Declaration of Agency, received January 24, 2023
3. Statutory Warranty Deed, received January 24, 2023
4. Ecological No Net Loss Assessment Report, dated January 2023

5. Legal Notices
6. Non-Administrative Substantial Development Application, dated December 27, 2022
7. Comment Response Letters, August 11, 2023 and December 4, 2023
8. Plan Set, prepared December 4, 2023
9. Mailing Labels for Noticing
10. Water Depth Waiver dated July 24, 2023
11. SEPA Checklist, signed December 23, 2022

PART 2 – SITE CHARACTERISTICS

EXISTING CONDITIONS: The subject property is developed with a single-family residence and appurtenant dock on site.

SURROUNDING ZONING:

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

ACCESS: Ingress and egress are from Evergreen Point Road.

PART 3 – COMPREHENSIVE PLAN

The residential nature of the City’s shoreline makes preservation of this character, while encouraging good stewardship and enjoyment of the shoreline, including protecting and preserving shoreline ecological functions, the primary vision of the shoreline master program. 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 boatlifts 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-P9.3: Moorage should be spaced and oriented in a manner that minimizes hazards and obstructions to public navigation rights and corollary rights thereto such as, but not limited to, fishing, swimming and pleasure boating.

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: Moorage facilities should be constructed of materials that will not adversely affect water quality or aquatic plants and animals in the long term, and have been approved by applicable state agencies.

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:	January 24, 2023
Determination of Completeness:	August 10, 2023
Notice of Application and Optional DNS:	December 20, 2023
Notice of Issued DNS:	February 6, 2024
Notice of Hearing:	February 6, 2024

The application was received on January 24, 2023, and was determined Complete on August 10, 2023 pursuant to MMC 16.80.100 after an iterative review process of incomplete application determinations and resubmittals of revised materials from the applicant. A Notice of Application was issued on December 20, 2023, by mailing to property owners pursuant to MMC 16.80.140(B)(2); posting on-site; and posting at other public notice locations (City Hall, Medina Post Office, Park Board, and City of Medina website). A 30-day comment period was used pursuant to MMC 16.80.110(B)(7). The SEPA DNS and a Notice of Hearing were issued on February 6, 2024, consistent with MMC 16.80.120. The Notice of Hearing was mailed to property owners pursuant to MMC 16.80.140(B)(2), published in *The Seattle Times* newspaper, and posted on the site and other public notices locations (City Hall, Medina Post Office, Medina Park Posting Board, and City of Medina website).

GENERAL PUBLIC COMMENTS: As of the date of the staff report, the City has not received any public comment regarding the proposed project.

AGENCY COMMENTS: No agency comments were received.

PART 5 – STAFF ANALYSIS

GENERAL:

1. David Hill is the owner and taxpayer of record of the property identified as 3619 Evergreen Point Road, tax parcel no. 2425049155, according to the Statutory Warranty Deed (Exhibit 3). The property owner has an agent, Evan Wehr, acting on behalf of the owner (Exhibit 2).
2. The property is zoned R-20 (Single Family Residence) and is approximately 17,760 square feet (0.41 acres) in size. The lot is rectangularly shaped with maximum overall dimensions of approximately 320 feet at its greatest length and approximately 62 feet at its greatest width. The lot is developed with a single-family dwelling, a dock and related site improvements, including a driveway and landscaping.
3. The applicant applied for a non-administrative substantial development permit to replace his existing pier and two jet ski lifts with a new pier, boat lift, platform lift, and double jet ski lift located on the western portion of the property. The proposed pier redevelopment is within 200-feet of the ordinary high-water mark of Lake Washington.

STATE ENVIRONMENTAL POLICY ACT (SEPA):

4. The applicant applied for a Type 2 SEPA Threshold Determination (file no. P-23-017) on May 1, 2023. Pursuant to Washington Administrative Code (WAC) 197-11-355 and Medina Municipal Code (MMC) 16.80.150, the City made use of the Optional DNS Noticing process and jointly noticed the project's NOA and likely threshold determination to the public on December 20, 2023. The Optional DNS Process afforded 30 days for public comment to be submitted for staff's consideration on the likely threshold determination. The City issued a Determination of Nonsignificance (DNS) threshold determination on P-23-017 on February 6, 2024; its appeal period closed on February 20, 2024 without any public appeals having been timely filed with the City.

ANALYSIS OF THE NON-ADMINISTRATIVE SUBSTANTIAL DEVELOPMENT PERMIT:

5. The 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 Hill project proposal for a replaced pier structure and associated replacement of lift structures meets these criteria, and the proposed project does not qualify for an exemption as set forth in MMC 16.70.040 or qualify for an administrative substantial development permit as set forth in MMC 16.71.060. Therefore, a non-administrative substantial development permit is required to authorize the proposed project.
6. The shoreline use table is codified in MMC 16.62.040 and sets forth that the proposed use (piers, docks, boat lifts, and moorage pilings) is permitted in the site's Shoreline Residential environment designation.
7. The MCC 16.65.040 establishes the design standards for piers in Medina. Maximum overwater surface coverage area is 480 square feet, with a minimum side setback of 12 feet; the maximum overwater surface coverage area may be increased to 900 square feet when consistent with MMC 16.65.040(B). The maximum length of the pier at its farthest

point is 100 feet from the Ordinary High Water Line (OHWL). The maximum width of the pier's walkway located within 30 feet of the OHWL is 4 feet; the pier's width may be 6 feet when more distant from the OHWL than 30 feet. The height of the pier measured between its stringers and the OHWL cannot be more than 1.5 feet. The minimum distance of all piles waterward of the OHWL is 18 feet. The minimum distance of the landward edge of all piers, fingers, and floats waterward from the OHWL is 30 feet of length and 10 feet of water depth. Decking for piers and associated overwater structures must use grated or other materials that allow a minimum of 40 percent light to transmit through; materials treated with pentachlorophenol, creosote, chromate copper arsenate, or similar toxic compounds are prohibited.

The applicant has prepared a scaled plan set (Exhibit 8) that conveys consistency with each of the aforementioned pier design standards set forth in MMC 16.65.040. The replaced pier and lift structure is proposed to be 741 square feet in size; this aligns with the MMC, provided the design complies with MMC 16.65.040(B). Per MMC 16.65.040(B)(1), a new pier or dock for single-property ownership may be up to 900 square feet, provided the conditions set forth in MMC 16.65.040(C) are satisfied. MMC 16.65.040(C) allows the proposed pier to be developed up to 900 square feet if the requested overwater coverage is the minimum necessary to provide vessel access, if the necessary federal and state agency approvals for the increased overwater coverage is acquired by the property owner, and if mitigation is provided in addition to that required by MMC 16.65.040(E) demonstrating that the additional overwater coverage will result in no net loss of ecological function. Given that the pier has been designed to accommodate access to the property owner's vessels while adhering to the dimensional standards of piers governed by MMC 16.65.040 without the need for a variance, the applicant has demonstrated that the proposed increase in overwater coverage is the minimum amount of increased surface coverage necessary to allow vessel access. To ensure the applicant acquires all needed permits from federal and state agencies, staff has recommended the Hearing Examiner adopt Condition No. 1 into the decision of P-23-006. Lastly, the applicant has prepared an Ecological No Net Loss Assessment Report (Exhibit 4) demonstrating that sufficient mitigation has been proposed to ensure that the additional overwater surface coverage will not result in a new loss of shoreline ecological function. An address of the proposed project's consistency with no net loss standards governed by MMC 16.66.010 is included on page 7 of this staff report.

The proposed replaced pier and lift structure does not encroach within the 12-foot side setbacks, is not longer than 100 feet from the OHWL, is no wider than 4 feet within 30-feet of the OHWL and is otherwise no longer than 6 feet when more distant than 30-feet from the OHWL, and is no taller than 1.5 feet when measured between the OHWL surface level and the pier's stringers. All piles proposed to support the replaced pier are no closer than 18 feet from the OHWL, and all piers, fingers, and floats are located at least 30-feet waterward of the OHWL with at least 10 feet of water depth. The applicant proposes to construct the replaced pier of grated decking material that is engineered to allow approximately 43 percent light penetration. Finally, the pier is proposed to be constructed of grated decking and epoxy-coated steel piles; no materials proposed in the pier's construction would be treated with toxic compounds. Therefore, the proposed pier has been designed consistent with the pier design standards set forth in MMC 16.65.040.

8. The MCC 16.65.080 establishes the dimensional and design standards for boat lifts in Medina. Boat lifts cannot be more distant than 100 feet from the OHWL, and cannot be less distant than 30 feet from the OHWL with 9 feet of water depth; the water depth

requirement can be waived pursuant to MMC 16.65.080(D). The maximum number of freestanding or deck-mounted boat lifts and/or jet ski lifts allowed per single-family dwelling is 3. The minimum side setback for lifts is 12 feet.

The applicant has prepared a scaled plan set (Exhibit 8) that conveys consistency with each of the aforementioned boat lift dimensional and design standards set forth in MMC 16.65.080. The applicant's proposed boat lifts are closer than 100 feet from the site's OHWL, do not encroach on the site's 12-foot side setbacks, and do not exceed the maximum number of 3 boat lifts per single-family dwelling unit. The proposed boat lifts are also at least 30-feet waterward of the OHWL; however, the water depth of the landward-most jet ski lift is less than 9 feet, and the applicant has applied for a water depth waiver (Exhibit 10) to this end.

The Water Depth Waiver Request form requires the applicant to provide a discussion of the request's consistency with the waiver approval criteria set forth in MMC 16.65.080(D). The applicant has provided related discussion (Exhibit 10), which has been reviewed by staff and has been found consistent with MMC 16.65.080(D). The applicant has conveyed that strict conformance with the water depth provisions in the MMC is not feasible without the need for a shoreline variance, has described the site's bathymetry and the existing overwater structures on adjacent sites creating no reasonable alternative to the designed development in less than 9 feet of water depth, and has demonstrated that a minimum of 5 feet of water depth is maintained at the boat lift. Therefore, the applicant has designed the proposed boat lifts consistent with the dimensional and design standards set forth in MMC 16.65.080, and has demonstrated consistency with the review criteria set forth in MMC 16.65.080(D) that reasons its approved waiver from boat lift water depth standards.

9. The 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 to shoreline ecological functions.

The applicant has prepared an Ecological No Net Loss Assessment Report (Exhibit 4); the No Net Loss Report was prepared by a professional biologist and details the direct and indirect impacts, avoidance and minimization measures, shoreline planting plan, conservation measures, and best management practices that ensures the proposed project will not yield a loss of ecological function. Therefore, the applicant has demonstrated a reasonable effort to analyze environmental impacts from its proposed replaced pier and boat lift structure and has included measures to mitigate potential impacts to shoreline ecological functions.

PART 6 – CONCLUSION

1. Pursuant to MMC 16.72.100(C) and MMC 16.80.060(C), the Hearing Examiner has the authority to hold a public hearing and decide on applications.
2. Proper notice for this public hearing has been provided. Notice was posted on the property and mailed to surrounding property owners within 300 feet, published in the Seattle Times newspaper on February 6, 2024, more than 15 days prior to the date of the hearing (Exhibit 5).
3. Pursuant to MMC 16.72.100(F), a substantial development permit may only be approved

if the following criteria are met:

- a. *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 which 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 uses and development proposals, included 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” (emphasis added). 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 is concluded in Part 5 of this staff report, the proposed project is consistent with the provisions of the Medina SMP; therefore, this criterion has been satisfied.

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

CONCLUSION: The Medina SMP has been adopted in a manner which 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 which complies with WAC Chapter 173-27, an applicant’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 consistent with the provisions of the Medina SMP; therefore, this criterion has been satisfied.

- c. *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 covered moorage structure is consistent with all germane 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-23-006) as the project has 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. Staff recommends the following conditions be included:

1. The applicant shall secure all necessary permits and authorizations from all other agencies with jurisdiction regulating development of the site; this includes, but may not be limited to, the Washington Department of Fish and Wildlife and the U.S. Army Corps of Engineers. The applicant shall provide proof of approved permits or authorizations from other agencies with jurisdiction prior to issuance of a building permit from the City of Medina.

February 20, 2024

Thomas Carter, Associate Planner, and Kim Mahoney, Principal Planner
LDC, Inc on behalf of the City of Medina



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

Project Address 3619 Evergreen Point Rd Parcel No. 242504-9155

I/We David Hill 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.

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.
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.
To cause all certifications required by the City to be completed and to reconcile the permit fees upon completion of the work.
I/We acknowledge that consultant fees may be incurred as a result of the review and inspection of the proposed work.

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 David Hill Date 12/12/2022

Name David Hill

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.



DEVELOPMENT
SERVICES

NON-ADMINISTRATIVE SUBSTANTIAL DEVELOPMENT PERMIT CHECKLIST

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

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

<input type="checkbox"/>	Non-Administrative Substantial Development Permit Checklist
	Complete Substantial Development Permit Application: <input type="checkbox"/> Application form <input type="checkbox"/> Signature of applicant/agent <input type="checkbox"/> All questions answered in full
<input type="checkbox"/>	Declaration of Agency form
<input type="checkbox"/>	Proof of Ownership (copy of deed)
<input type="checkbox"/>	Site Plan with required information
<input type="checkbox"/>	Landscaping and/or restoration plan (if applicable)
<input type="checkbox"/>	Mitigation Measures (if applicable)
<input type="checkbox"/>	Quantity, source and composition of all fill material that is placed on the site, whether temporary or permanent (if applicable)
<input type="checkbox"/>	Quantity, composition and destination of all excavation and/or dredged material (if applicable)
<input type="checkbox"/>	Additional submittal information set forth in the Medina shoreline master program for the use
<input type="checkbox"/>	State Environmental Policy Act (SEPA) Checklist (if applicable – SEPA is a separate permit)
	Mailing labels – Word doc formatted to Avery address labels <input type="checkbox"/> Mailing 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. <input type="checkbox"/> 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.



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: David Hill

Property Address: 3619 Evergreen Point Rd

Legal Description: See sheet 1 of plans.

Tax Parcel Number: 242504-9155

Please check one:

[X] 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 [X] NO

Will work occur in Lake Washington?

[X] YES [] NO

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

- [X] 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):

- [X] Pier/ dock
[] Moorage cover
[X] 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?

- [X] No
[] Shoreline Variance
[] Shoreline Conditional Use Permit

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

Remove an existing pier and two jet-ski lifts. Construct a new pier. Install a boat lift, platform lift, and double jet-ski lift.

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 single family 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 residence. 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 *Elm Wilson* Owner Agent Date 12/27/2022

Signature _____ Owner Agent Date _____

Ecological No Net Loss Assessment Report

Prepared for

David Hill
3619 Evergreen Point Road
Medina, WA 98039

Prepared by



Northwest Environmental Consulting, LLC
3639 Palatine Avenue North
Seattle, WA 98103
206-234-2520

January 2023

Purpose

The purpose of this report is to fulfill the requirements of City of Medina Municipal Code (MICC) 20.66.010 General Shoreline Regulations by assessing overall project impacts and proposed mitigation to determine if the project meets the “No Net Loss” of shoreline ecological functions analysis.

No Net Loss is defined as “a balancing of unavoidable shoreline ecological function losses with replacement for those losses so that further reduction to shoreline ecological functions of ecosystem-wide processes may be prevented.”

Permits are being applied for a pier reconfiguration, expansion and new boat lifts (see Appendix A – Sheet 3.0).

Location

The subject property is located at 3619 Evergreen Point Road in the City of Medina, Washington (see Appendix A – Sheet A1.0). The parcel is on the waterfront of Lake Washington, that contains several endangered fish species listed under the Endangered Species Act and Washington State designated priority fish species.

Project Description

The proposed work includes removing the existing dock and constructing a new pier with new jet-ski lifts and a boat lift. The work will be completed by removing the existing dock and lifts. The new dock will be constructed by driving 6 10-inch and 16 8-inch epoxy coated steel piles and then construct the dock on top of the pilings. The new dock will use ThruFlow grated decking. A new grated platform lift will be placed waterward of the Jet-ski lifts. See sheets 2 of 9 to 8 of 9.

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

A shoreline planting plan will be installed that includes 2 native trees and 3 native shrubs. See Sheet 9 of 9.

Project drawings are included in Attachment A.

Approach

Northwest Environmental Consulting LLC (NVEC) biologist Brad Thiele conducted a site visit on December 9, 2022 to evaluate conditions on site and adjacent to the site. NVEC 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 residential properties to the north and south.

The only existing structures on the property are the house and dock (Photos 1 through 6). The subject property yard is maintained with lawn to the sand and gravel beach. Ornamental shrubs are present along the property lines down to the beach.

The shoreline is not bulkheaded. The substrate of the lake is sand and gravel. No significant aquatic vegetation was observed at the time of the site visit.

The property to the north and south has similar configurations with various landscaping and beach or low rock bulkheads.

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 may rear in the waters near the project when traveling from spawning sites on other lake tributaries to the lake's outlet at the Hiram M. Chittenden Locks. The project site is accessible to any fish migrating or rearing in the lake. Sockeye spawning has not been mapped along the shoreline at the site.

The closest mapped priority habitat is the biodiversity area and corridor at Fairweather Nature Preserve, approximately 2,000 feet southeast of the project area. No priority habitats are directly associated with the subject property for terrestrial species.

No other priority habitats are directly associated with or mapped within 1,500 feet of the project site for aquatic or terrestrial species.

Project Impacts and Conservation Measures

Direct Impacts:

Sediments: Sediment disturbance may occur below the OHWM and along the shoreline of Lake Washington during pile driving and removal. Additionally, the tug and barge propwash may disturb sediments temporarily when making trips to/from the site.

Sediments have been shown to be minimally disturbed during pile driving activities and the coarse sediments (sand and gravel) are not a source of turbidity. The project will meet state water quality standards.

Placing the new moorage more than 30 feet from the shoreline in water deeper than 8 feet will reduce propwash in the nearshore environment during docking and castoff. Jet skis can operate in shallower water and do not produce as much propwash as multi-passenger boats.

Shoreline: Planting native vegetation 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. The plantings 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 9 of 9).

Lakebed: The work will remove 12 12-inch timber piles and drive 16 8-inch and 6 10-inch steel epoxy coated piles. The removal and installation of piles will result in a restoration of 0.6 square foot of lakebed.

Noise: Construction equipment will create noise audible to neighbors and in-water. Noise disturbance will be short-term and should have minimal effects on fish and wildlife in the area. Work will be completed during the in-water work window when juvenile fish are not expected to be present.

Potential spills: Short-term risks include the potential for petroleum spills that can occur with any equipment operation. The risk of impact to the aquatic environment is reduced because a crew competent using spill containment measures will be on site and employ these measures should a spill occur.

Indirect Impacts:

Shading: The project results in an increase in overwater coverage. The existing dock is 379 square feet. The new dock will be 741 square feet with an additional 210 square feet for the platform lift and 19 square feet for a walkway on the new Jet-ski lift. All New decking will be decked using grated decking.

Grated decking allows more light to penetrate the waters below a dock, which can increase productivity in the waters, 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. Overwater structures may also increase outmigration times of juvenile salmonids. Juvenile salmonids have been shown to hesitate before passing under structures. Grated decking may reduce this behavioral effect. ThruFlow grated decking has 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. A summary of how this will affect this project's shading is shown below:

	Existing	Proposed grated	Conversion	Effective coverage	Reduction in effective coverage
Solid decking removed (SF)	379	0	0.57	0	0
New Platform Lift and Jet-ski lift (SF)	0	229	0.57	128	101
New dock (SF)	0	741	0.57	422	319
Change (SF)	-379	970		550	420

Grating the deck surfaces will result in effective shading that is a reduction of 550 square feet over using solid decking. With the removal of existing overwater coverage and new grated

decking, the project results in an increase of effective overwater coverage of 171 square feet over the existing condition.

The new configuration will remove about 60 square feet of overwater coverage within 30 feet of shore where the water is the shallowest.

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 materials 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 and additional mitigation planting is not possible. 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 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. The RAP fee has been used to remove 350 piles from the mouth of the Cedar River to date.

Conclusion

Juvenile Chinook salmon, and other salmonids, rear and migrate along the Lake Washington shoreline.

There will be temporary impacts from noise and disturbed sediments during construction. The project will add 591 square feet of overwater coverage to the lake. Shading of the lake surface results in lower productivity in the water column, the hard shadowing provides ambush opportunities for predatory fish feeding on juvenile salmonids, and overwater coverage may cause outmigrating salmonids to hesitate to cross under the dock prolonging outmigration times.

However, removing all solid decking and replacing with grated decking reduces these impacts. Using grated decking minimizes the effective overwater coverage to 171 square feet over the existing dock configuration. The new configuration also places moorage in the deepest water possible reducing impacts from castoff and docking from propwash. The new configuration reduces overwater coverage by 60 square feet within 30 feet of shore.

A shoreline planting plan will be implemented that will add two native trees and three native shrubs that will improve natural shading, allochthonous food sources and will eventually be a source of woody materials and 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.

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

This project has been designed to meet current dock replacement 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** at the site.

Document Preparers

Brad Thiele

Biologist

29 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

ThruFlow. 2020. Legacy Series. Online. Accessed August 2020 at <https://thruflow.com/products/legacy/>.

US Army Corps of Engineers (USACE). 2004. Final Biological Evaluation, Regional General Permit: Construction of New or Expansion of Existing Residential Overwater Structures and Driving of Moorage Piling. Lake Washington, Lake Sammamish, the Sammamish River and Lake Union, Including the Lake Washington Ship Canal, in the State of Washington.

Washington Department of Fish and Wildlife (WDFW). 2023. Priority Habitats and Species. Online database. Accessed January 2023 at <http://apps.wdfw.wa.gov/phsontheweb/>

WDFW. 2023. SalmonScape. Online database. Accessed January 2023 at <http://apps.wdfw.wa.gov/salmonscape/>

Appendix A: Project Drawings

PROJECT INFORMATION

APPLICANT:
DAVID HILL

DRAWINGS BY:
ECCO DESIGN INC.
203 N 36TH ST SUITE 201
SEATTLE, WA 98103
206-706-3937

SITE ADDRESS:
3619 EVERGREEN POINT RD
MEDINA, WA 98039

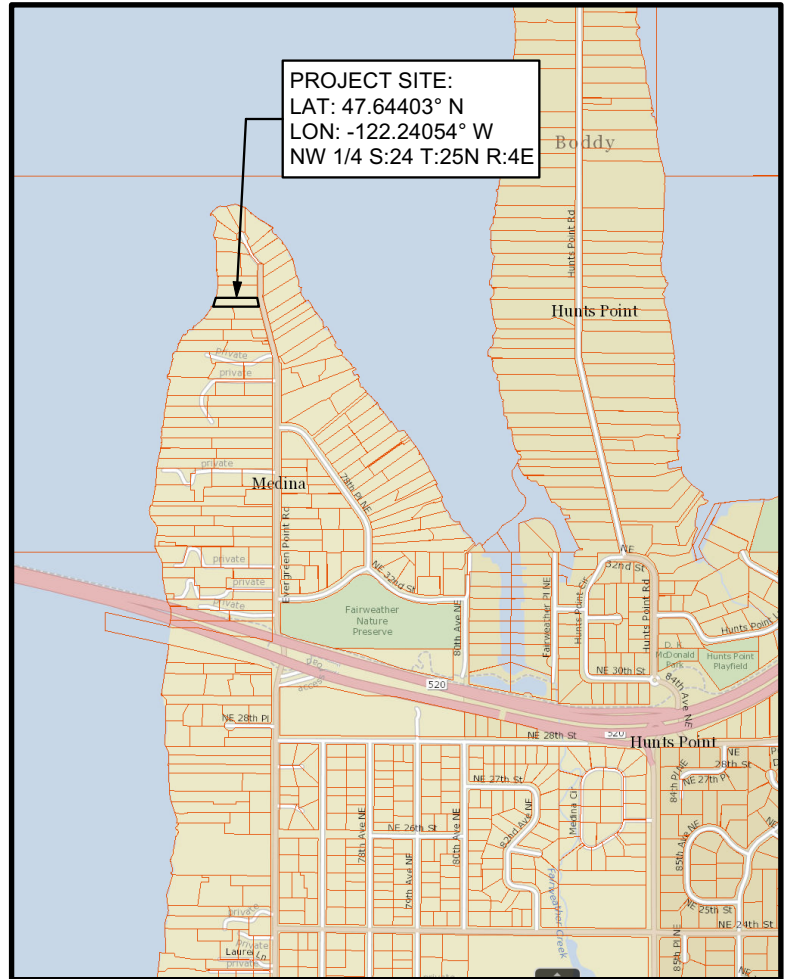
PARCEL NUMBER:
242504-9155

BODY OF WATER:
LAKE WASHINGTON

LEGAL DESCRIPTION:
N 60 FT OF FOLG-BEG AT 1/16 COR OF SEC ON
S LN OF GL 5 TH N 14-39-28 W 310.05 FT TO
TRUE BEG TH N 14-39-28 W 155.02 FT TH N
89-58-39 W 310 FT M/L TO SHORE LN OF LAKE
WASHINGTON TH SWLY ALG SD SHORE LN TO
PT N 89-58-39 W FR TRUE BEG TH S 89-58-39 E
420 FT M/L TO TRUE BEG & SH LDS ADJ LESS
CO RD

PROJECT DESCRIPTION:
REMOVE AN EXISTING PIER AND TWO JET-SKI
LIFTS. CONSTRUCT A NEW PIER. INSTALL A
BOAT LIFT, A PLATFORM LIFT (210 SQ. FT.), AND
A DOUBLE JET-SKI LIFT. PLANT NATIVE
VEGETATION PER THE PLANTING PLAN.

VICINITY MAP



REFERENCE:

DATUM: C.O.E. Locks Datum

ADJACENT PROPERTY OWNERS:

1. RMMTM Corp
2. Stein Kruse

APPLICANT: David Hill

LOCATION: 3619 Evergreen Point Rd
Medina, WA 98039

LAT/LONG: 47.64403°/-122.24054°

PROPOSED PROJECT:

Pier & Lifts

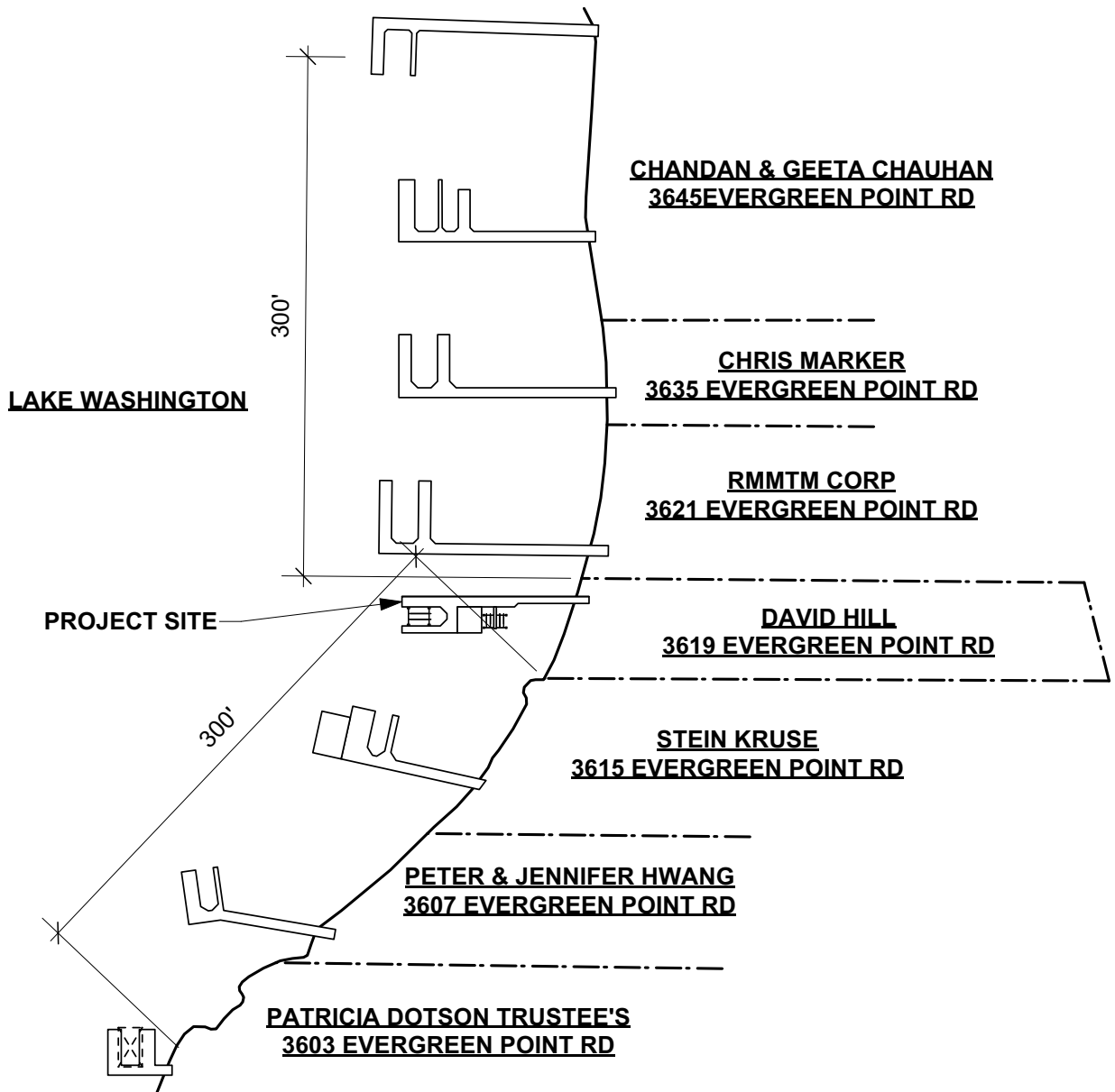
IN: Lake Washington

NEAR/AT: Medina

COUNTY: King **STATE:** WA

SHEET 1 of 9

DATE: December 20, 2022



VICINITY MAP

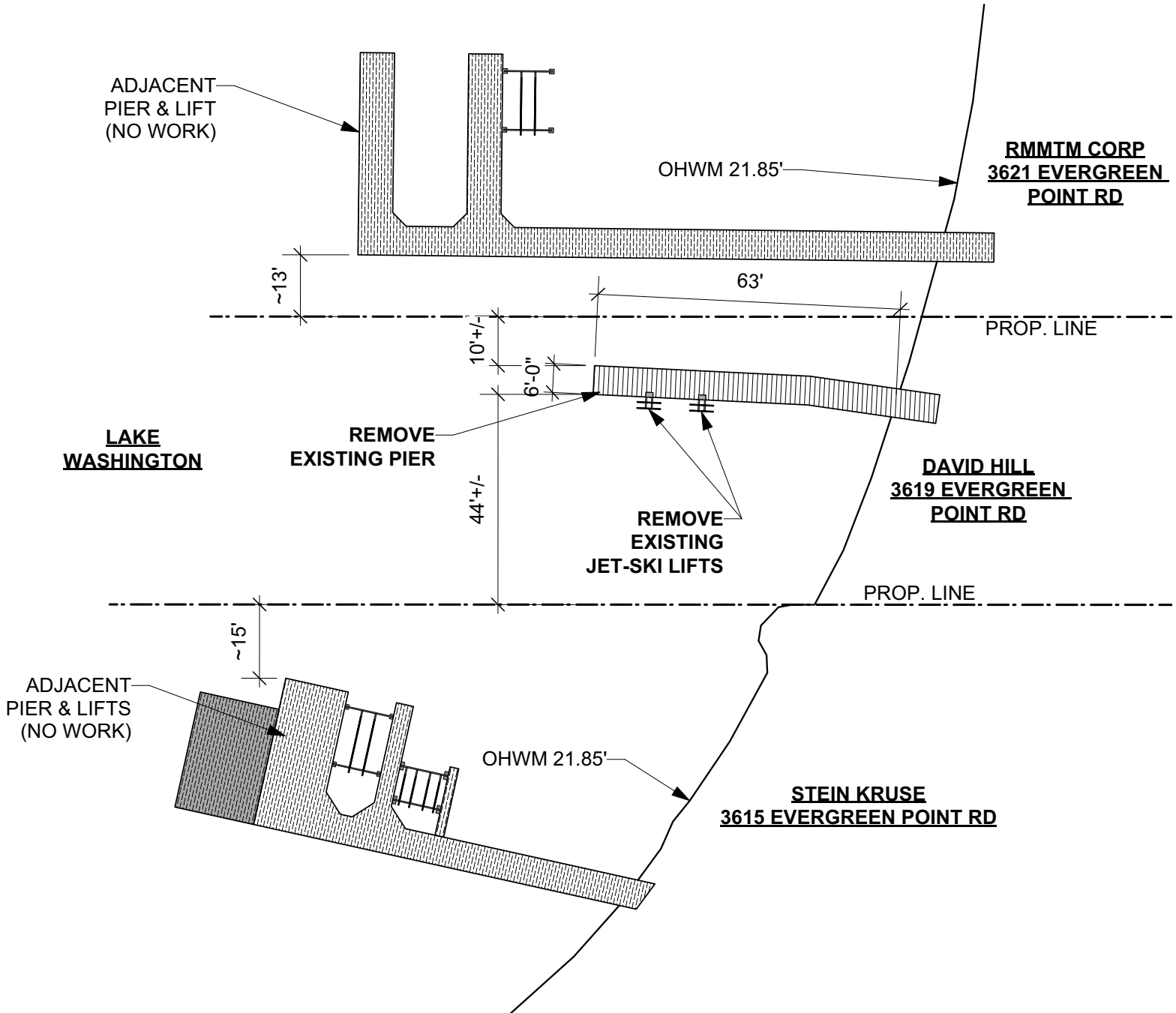
SCALE 1" = 100'-0"



Reference:
Applicant: David Hill

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

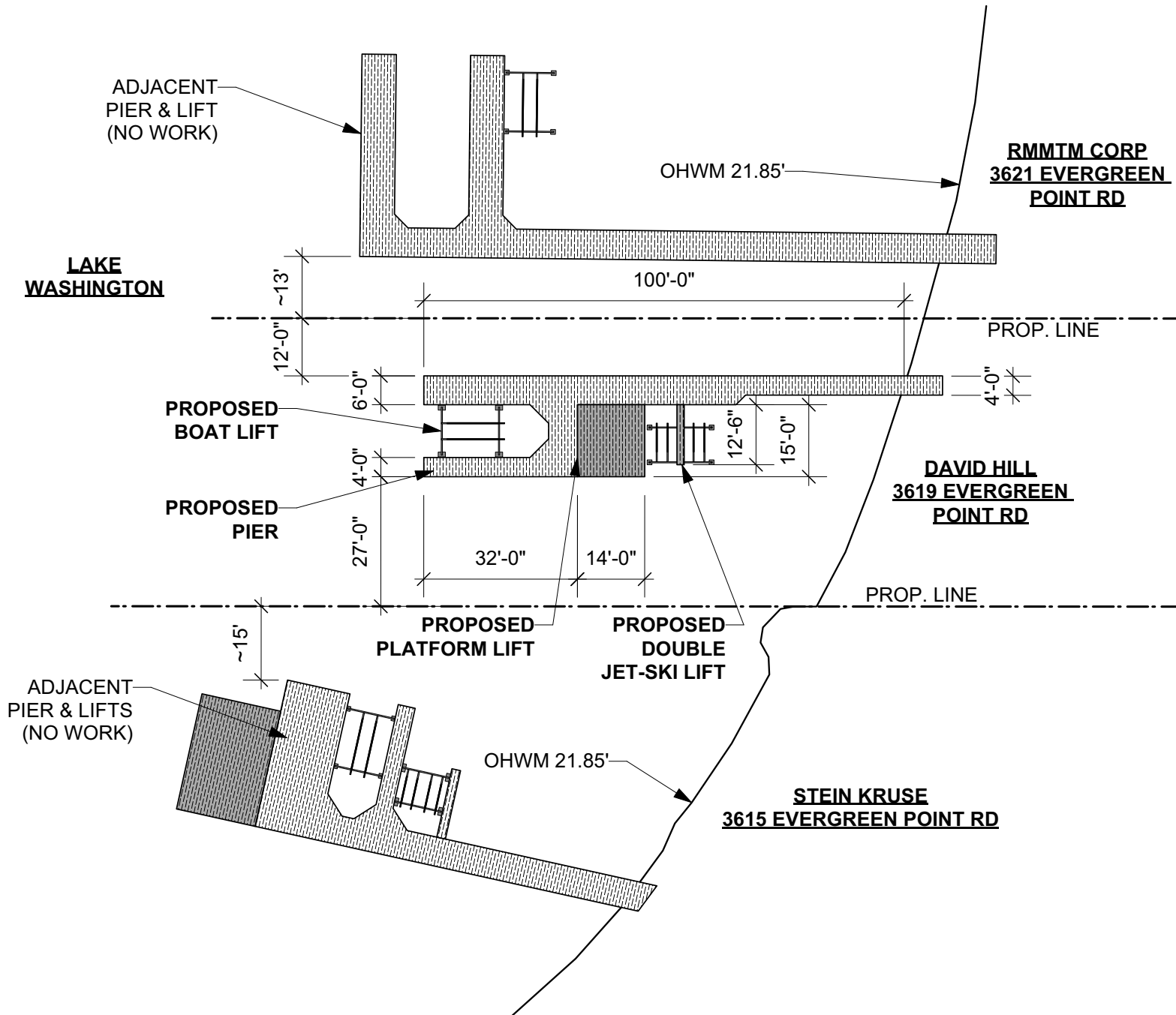
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Reference:
Applicant: David Hill

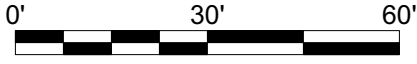
Proposed: Pier & Lifts
Location: Medina, WA

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



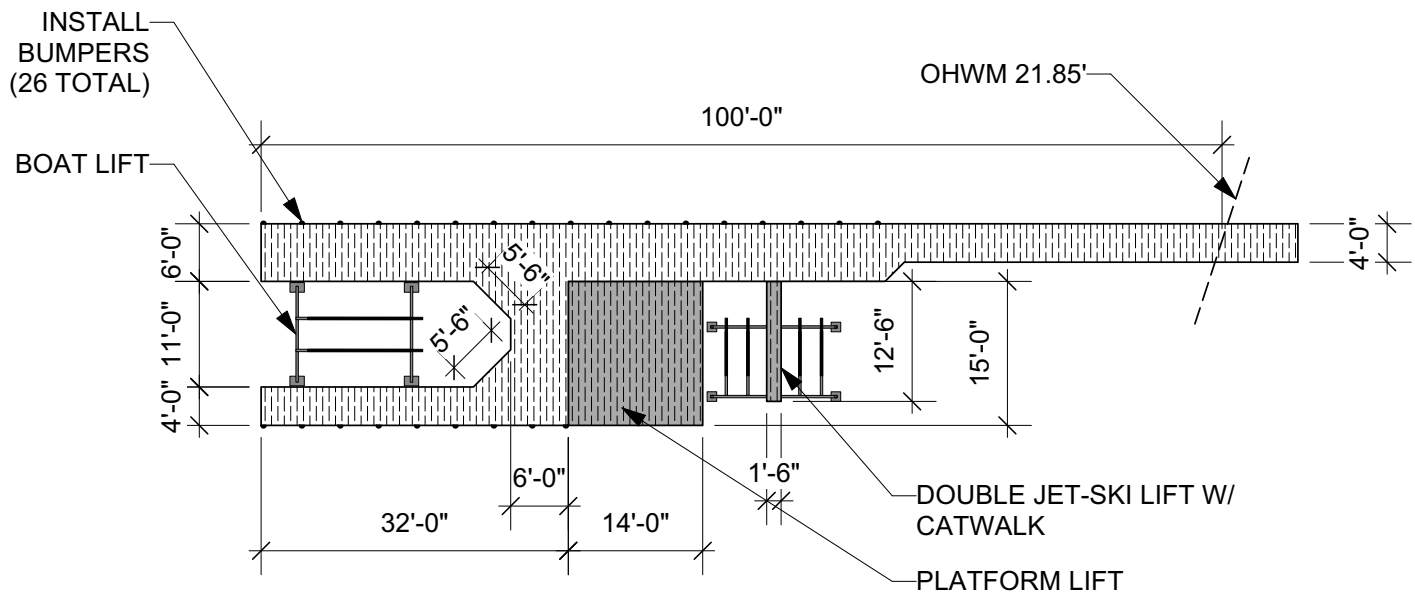
PROPOSED SITE PLAN

SCALE 1" = 30'-0"



Reference:
Applicant: David Hill

Proposed: Pier & Lifts
Location: Medina, WA



PROPOSED PIER PLAN

SCALE 1" = 20'-0"



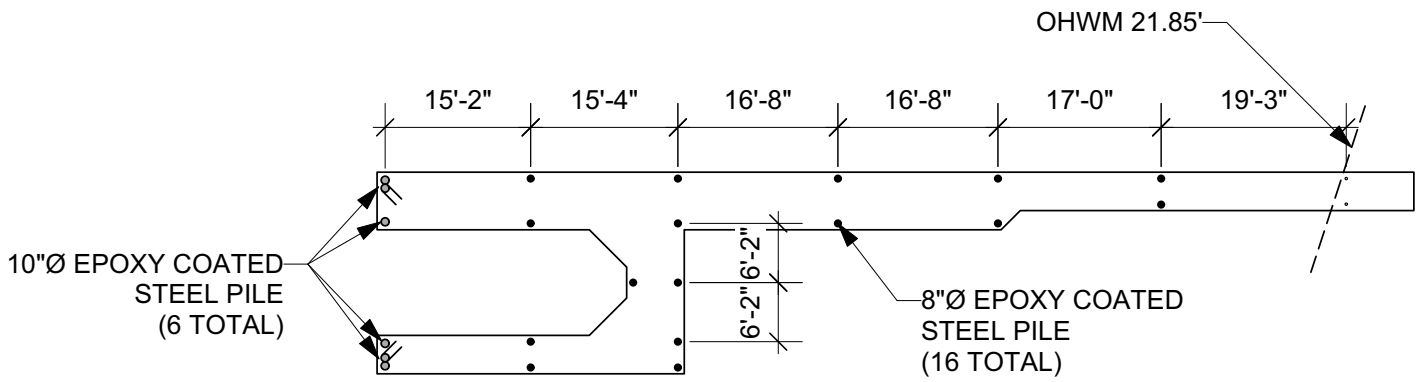
Reference:

Applicant: David Hill

Proposed: Pier & Lifts

Location: Medina, WA

Sheet 5 of 9 **Date:** 12/14/2022



PROPOSED PILE PLAN

SCALE 1" = 20'-0"

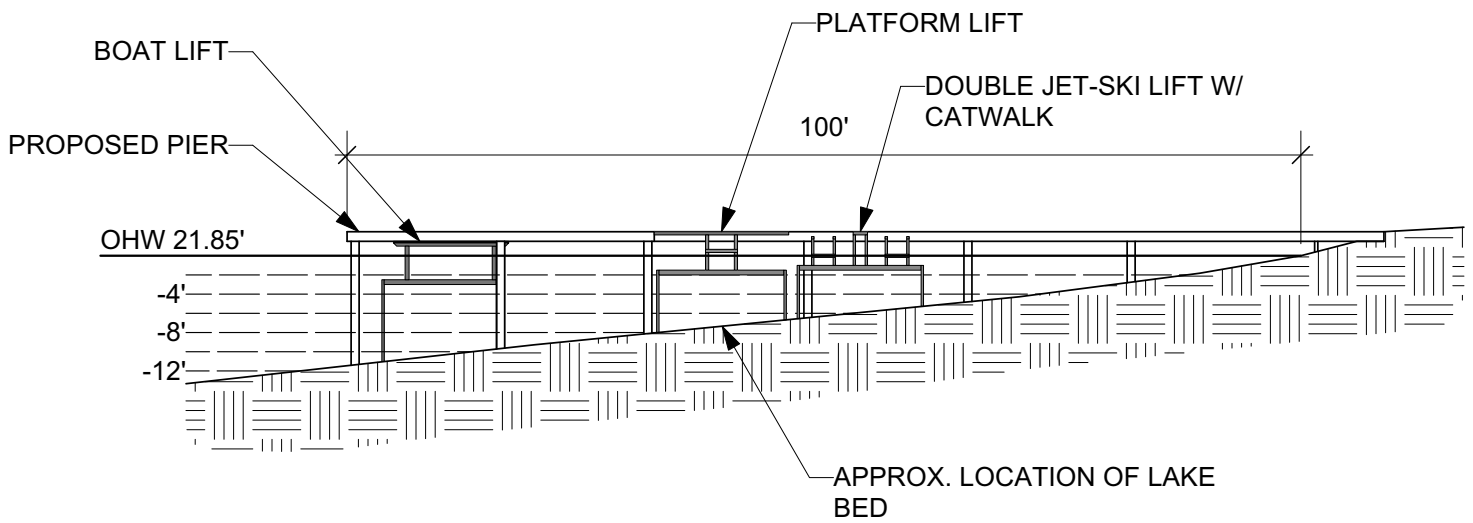


Reference:

Applicant: David Hill

Proposed: Pier & Lifts

Location: Medina, WA



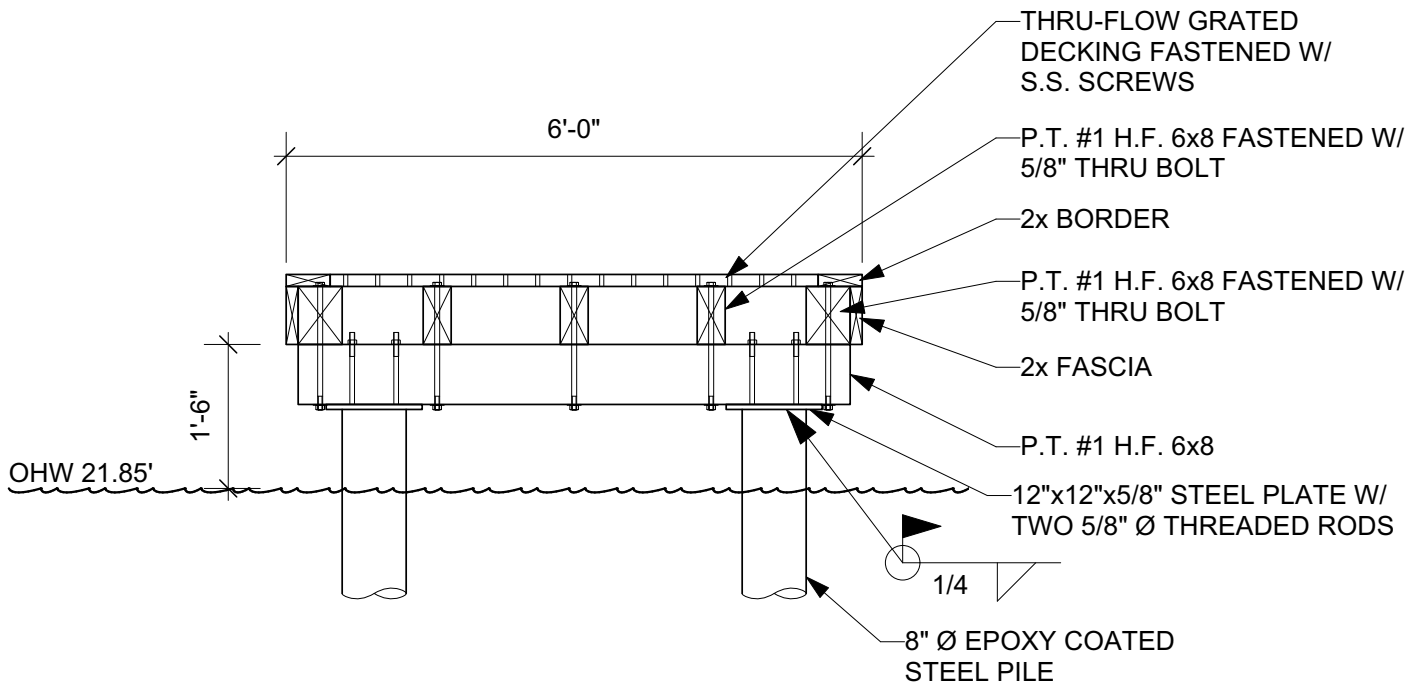
ELEVATION

SCALE 1" = 20'-0"



Reference:
Applicant: David Hill

Proposed: Pier & Lifts
Location: Medina, WA



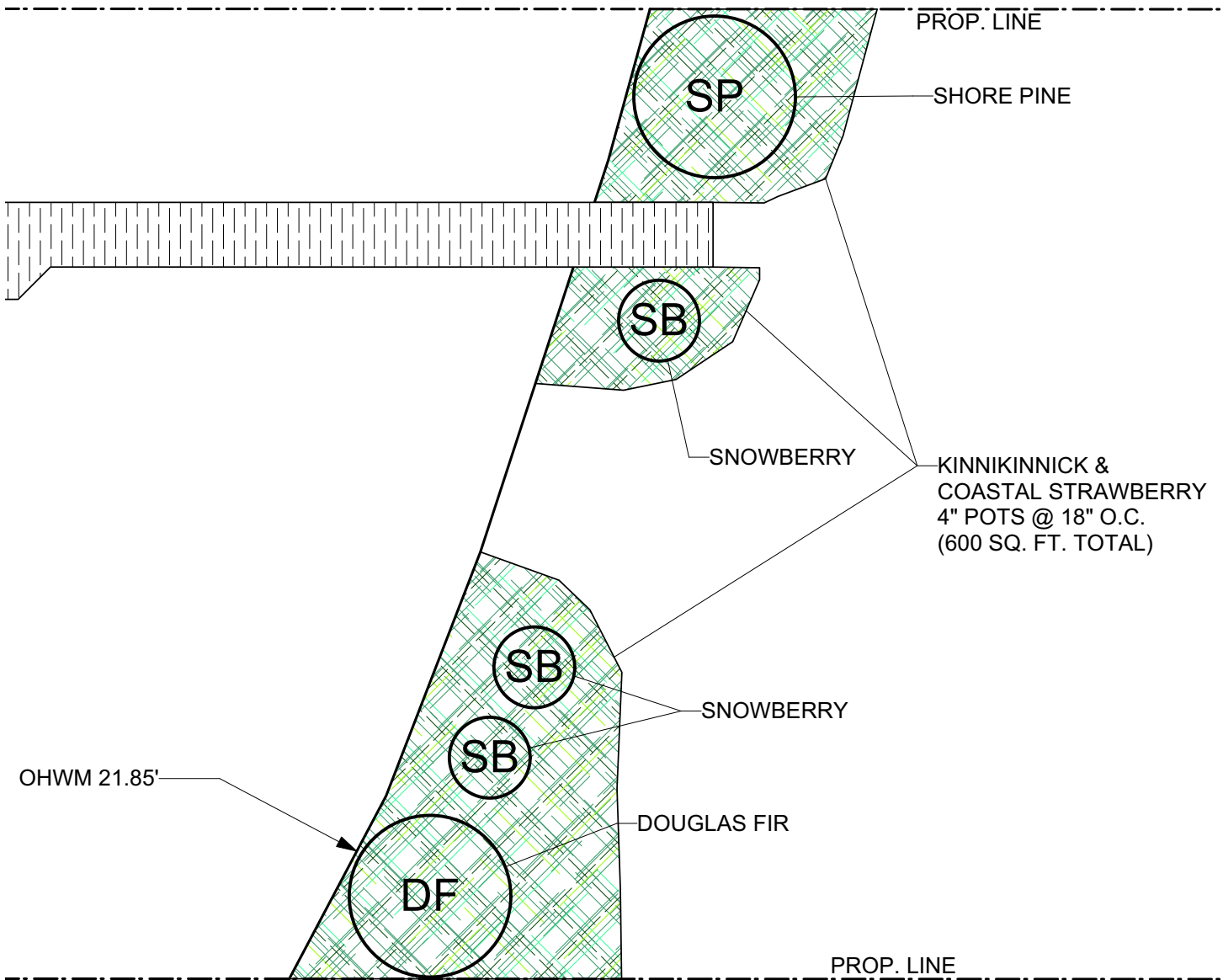
PIER WALKWAY SECTION A (PROPOSED)

SCALE 1/2" = 1'-0"



Reference:
Applicant: David Hill

Proposed: Pier & Lifts
Location: Medina, WA



PLANTING PLAN

SCALE 1" = 10'-0"



Reference:
Applicant: David Hill

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 conditions north of the dock at the site.



Photo 4 - Existing shoreline conditions south of the dock at the site.



Photo 5 - Shoreline conditions north of the site.



Photo 6 - Shoreline conditions south of the site.

Notice of Application Record (Notice, Proof of Publication, Mailing Map and Address List)



CITY OF MEDINA NOTICE OF APPLICATION

Proposal: Combined Notice of Application for a Non-administrative Substantial Development Permit and SEPA Threshold Determination for the construction of a residential dock.

File No. P-23-006 Non-Administrative Substantial Development Permit
P-23-017 SEPA Threshold Determination

Applicant: Evan Wehr, Ecco Architecture and Design

Site Address: 3619 Evergreen Point Road, Medina WA, 98039

Other Permits: Future Building Permit

Application Received: January 24, 2023(P-23-006) & May 1, 2023(P-23-017)

Determination of Completeness: December 6, 2023

Notice of Application: December 20, 2023

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 accompanying environmental (SEPA) review. This is a combined notice pursuant to MMC 16.80.150.

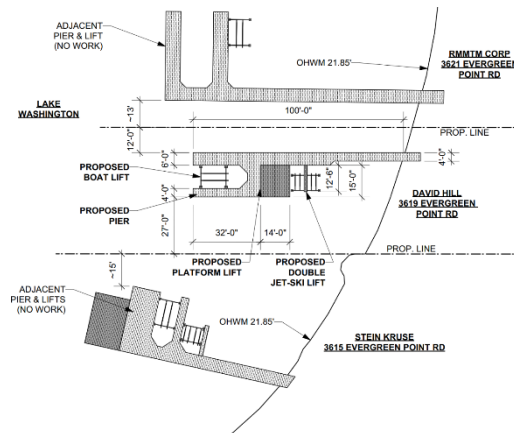
DETERMINATION OF CONSISTENCY: Pursuant to RCW 36.70B.040, a preliminary determination has found the proposal consistent with the provisions of the Medina Municipal Code.

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.

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: Sharon Snook, Senior Planning Consultant w/ Atwell, at (425) 216-4051 or ssnook@atwell-group.com.

SITE PLAN:



Sharon Snook

12/20/2023
Notice Issued

WARNING!

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



CITY OF MEDINA

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

NOTICE OF APPLICATION

Proposal: Combined Notice of Application for a Non-administrative Substantial Development Permit and SEPA Threshold Determination for the construction of a residential dock.

File No. P-23-006 and P-23-017

Applicant: Evan Wehr, Ecco Architecture and Design

Site Address: 3619 Evergreen Point Road, Medina WA, 98039

Other Permits: Future Building Permit

Application Received: January 24, 2023(P-23-006) & May 1, 2023(P-23-017)
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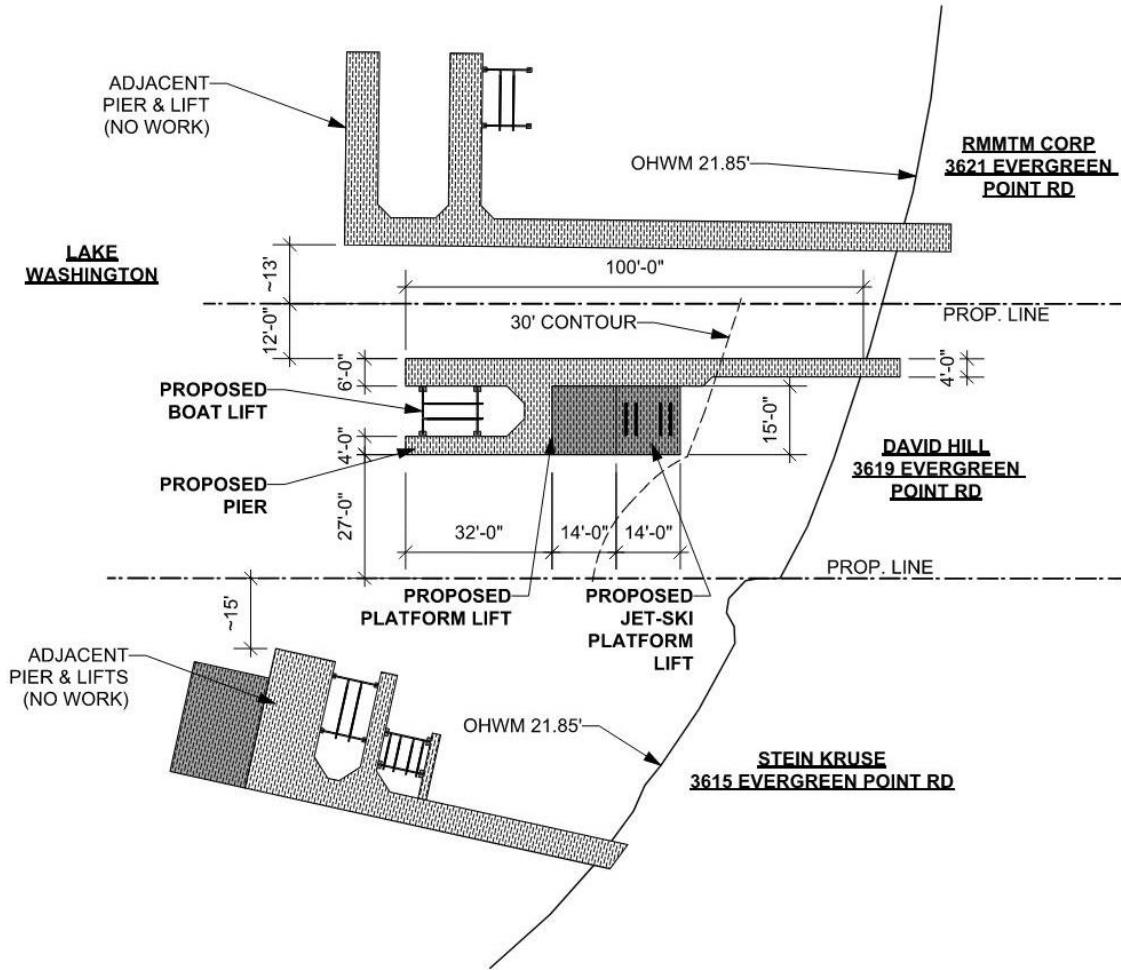
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STAFF CONTACT: Sharon Snook, Planning Consultant, at (425) 216.4051 or ssnook@atwell-group.com.

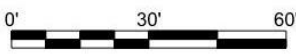
Site Plan

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" = 30'-0"



Reference:
Applicant: David Hill

Proposed: Pier & Lifts
Location: Medina, WA

Sheet 4 of 9 Date: 8/11/2023

Sudhir & Heather Singh
PO Box 347
Medina, WA 98039

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Seattle, WA 98127

Kenneth Pan
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Medina, WA 98039

Chris Marker
PO Box 869
Medina, WA 98039

Colin Radford
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Bellevue, WA 98004

Bruce D Milne
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Redmond, WA 98004

Phyllis A Lindsey Trust
PO Box 70367
Seattle, WA 98127

Gail Husick
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Medina, WA 98039

Peter & Jennifer Hwang
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Medina, WA 98039

David Hill
3619 Evergreen Point Road
Medina, WA 98039

Michael & Suzanne Cohen
PO Box 649
Medina, WA 98039

Zhong Chen & Wenlu Ma
3461 Evergreen Point Road
Medina, WA 98039

Richard Rooney & Angie Song
3655 Evergreen Point Road
Medina, WA 98039

Gary & Della Furukawa
9826 NE 26th St
Bellevue, WA 98004

Neil & Margery Hokonson
3648 Fairweather Ln
Medina, WA 98039

Chandan & Geeta Chauhan
3645 Evergreen Point Road
Medina, WA 98039

Peter & Patricia May
3630 Evergreen Point Road
Medina, WA 98039

Stein Kruse
3615 Evergreen Point Road
Medina, WA 98039

Ann Woodliff
PO Box 809
Medina, WA 98039

RMMTM Corp
3621 Evergreen Point Road
Medina, WA 98039

Rosemary Reed Trustee
3444 Evergreen Point Road
Medina, WA 98039

Alan & Joanne Montgomery
3455 Evergreen Point Road
Medina, WA 98039

Notice of Public Hearing Record (Notice, Proof of Publication, Mailing Map and Address List)



CITY OF MEDINA NOTICE OF VIRTUAL HEARING

NOTICE IS HEREBY GIVEN that the Medina Hearing Examiner will conduct a virtual public hearing on **Tuesday, February 27, 2024, at 10:00 AM** or as called as soon thereafter via Zoom. The purpose of this hearing is to consider testimony for and against the following:

Proposal: Request for a Non-administrative Substantial Development Permit to replace pier

File No. Non-administrative Substantial Development Permit (P-23-006)

Other Permits: SEPA Threshold (P-23-017)

Applicant: Evan Wehr (Applicant/Agent)

Site Address: 3619 Evergreen Point Rd

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, February 23, 2024, 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.

STATE ENVIRONMENTAL POLICY ACT: The lead agency for this proposal has determined that it does not have a probable significance adverse impact on the environmental subject. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). Pursuant to MMC 16.80.220(A), a Type 2 SEPA Threshold Determination decision may be appealed to the hearing examiner within 14 days following the issuance of the notice of decision. Any timely SEPA appeal shall be heard at the scheduled predecision hearing.

APPEAL RIGHTS: Pursuant to MMC 16.80.220(B), a Type 3 Non-administrative Variance may be appealed to the King County superior court by filing a land use petition within 21 days pursuant to Chapter 36.70C RCW.

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

Jonathan Kesler, AICP, Planning Manager

2/6/2024
Notice Issued

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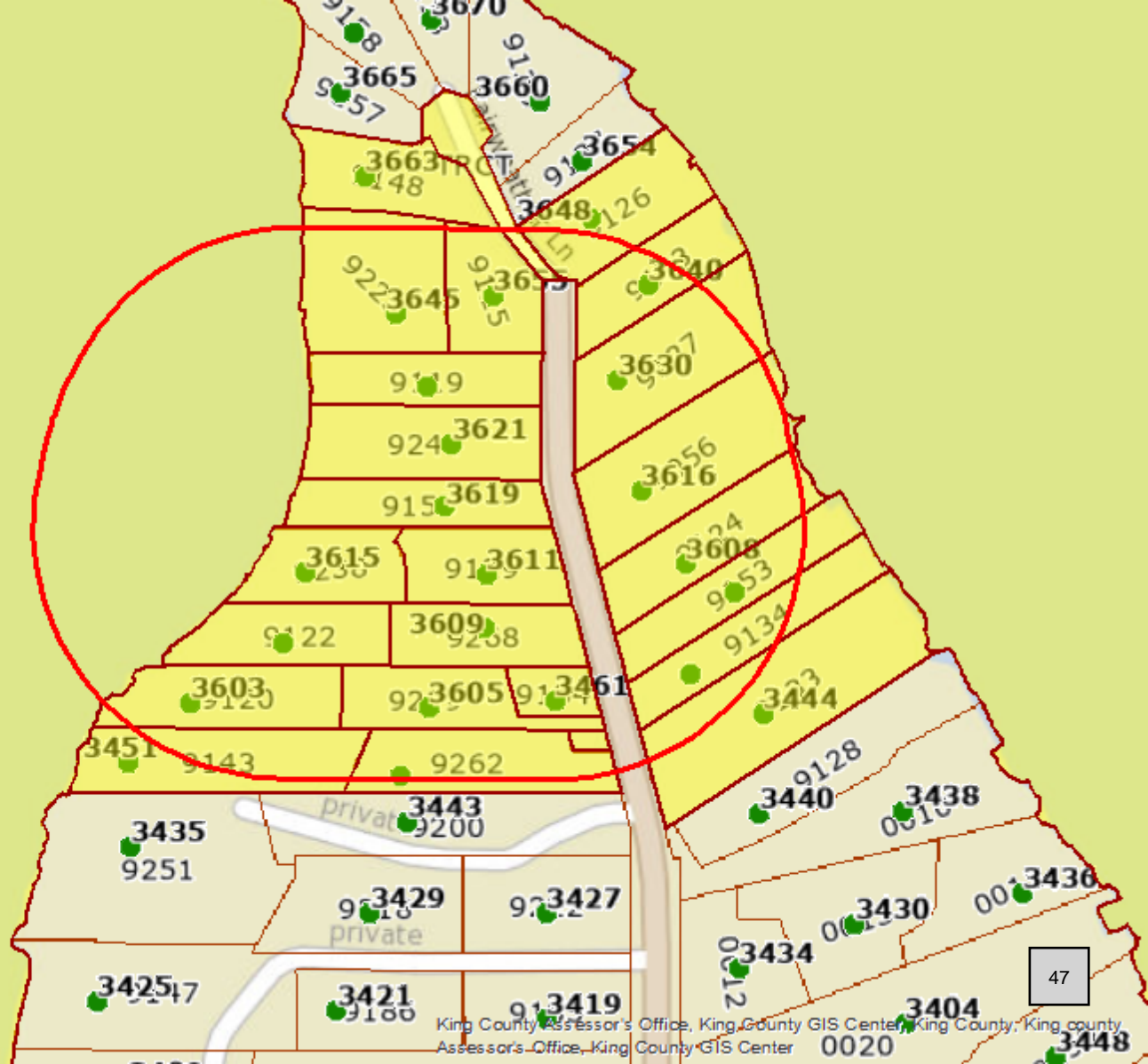
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Medina, WA 98039

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Seattle, WA 98127

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RMMTM Corp
3621 Evergreen Point Road
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3444 Evergreen Point Road
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Applicant: Evan Wehr
(Applicant/Agent)

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

SEPA Noticing Record (DNS, Proof of Publication, Mailing Map and Address List)



DETERMINATION OF NON-SIGNIFICANCE

Proposal: Request for a SEPA Threshold Determination in conjunction with a Non-administrative Shoreline Substantial Development Permit (P-23-006) for this waterfront property to remove and replace a pier. This parcel is located within the shoreline jurisdiction of the City of Medina.

File No. P-23-017 SEPA
P-23-006 Shoreline Substantial Development Permit

Applicant: Evan Wehr

Site Address: 3619 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, February 6, 2024

Deadline to Submit an Appeal: Tuesday, February 20, 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:** February 6, 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.

**CITY OF MEDINA
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NON-SIGNIFICANCE**

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P-23-006 Shoreline Substantial Development Permit

Applicant: Evan Wehr

Site Address: 3619 Evergreen Point Rd.

Lead Agency: City of Medina

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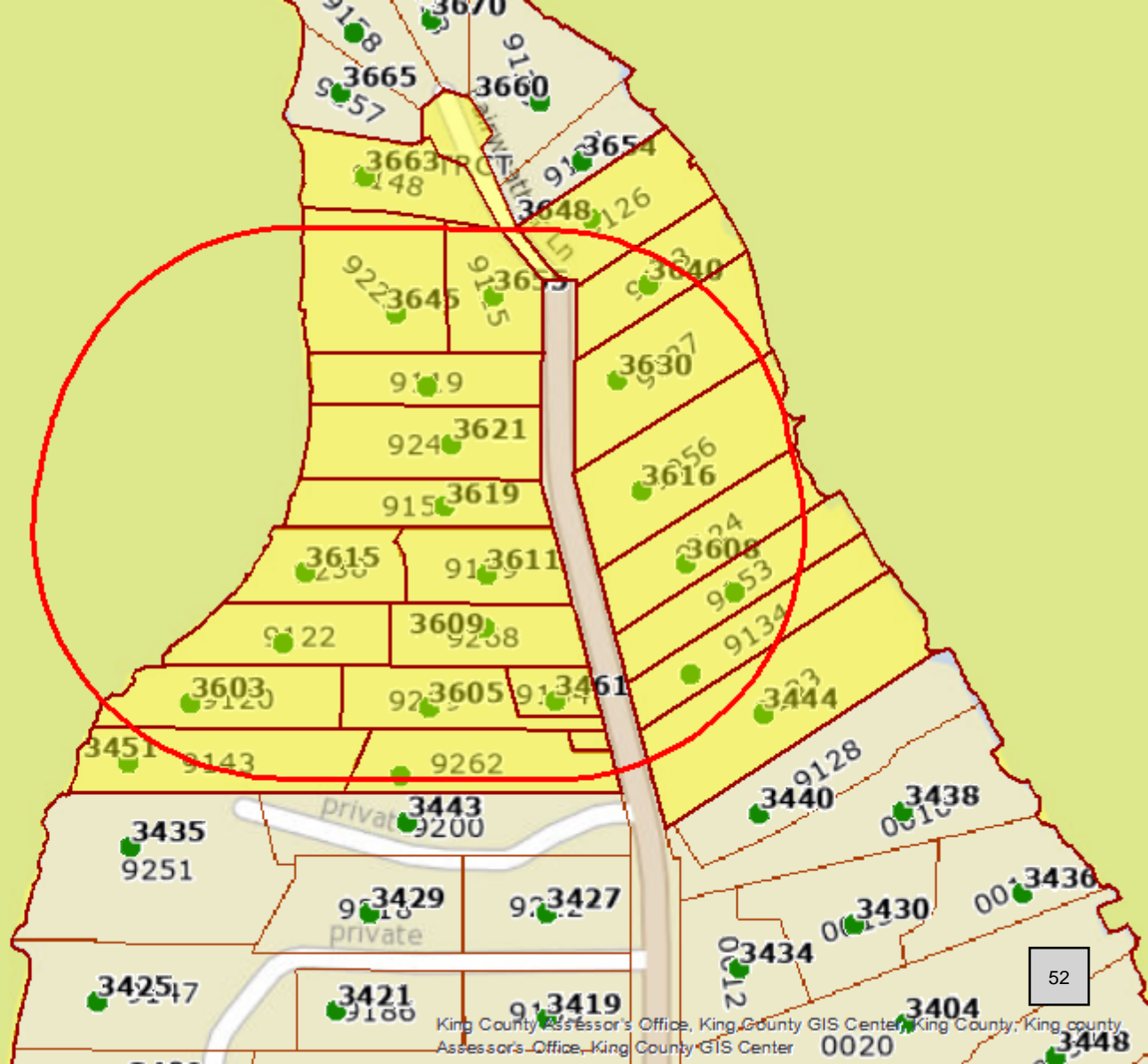
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Title: Planning Manager/SEPA Official

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Evan Wehr
7413 Greenwood Ave N
Seattle, WA 98103

King County Department of
Assessments
201 S Jackson St #708
Seattle, WA 98104

City of Bellevue
Attn: SEPA
PO Box 90012
Bellevue, WA 98009-9012

Archaeology and Historic Preservation
Attn: Scott S Williams
1063 S. Capitol Way, Suite 106
PO Box 48343
Olympia WA 98504-8343

DOE Shoreline Management
Attn: Joe Burcar
3190 160th Avenue SE
Bellevue, WA 98008-5452

King County
Dept Local Srvcs., Permitting Div.
Attn: SEPA Official
201 S Jackson St. KSC-LS-0815
Seattle, WA 98104

U.S. Army Corp of Engineers
Seattle District
PO Box C-3755
Seattle, WA 98124-2255

WSDOT NW Region
Attn: Mr. Ramin Pazooki
15700 Dayton Avenue North
Seattle, WA 98133

WDFW Wildlife Habitat
Chris Andrew
16018 Mill Creek Blvd.
Mill Creek, WA 98012

Department of Natural Resources
SEPA Center
PO Box 47015
Olympia, WA 98504-7015

WDFW
Attn: Christa Heller
1775 12th Ave. NW
Issaquah, WA 98027

Muckleshoot Indian Tribe
Fisheries Division, SEPA Reviewer
Attn: Karen Walters
39015 172nd Avenue SE
Auburn, WA 98092-9763

City of Clyde Hill
Attn: City Administrator
9605 NE 24th Street
Clyde Hill, WA 98004

Town of Hunts Point
Attn: Sue Ann Spens
3000 Hunts Point Road
Hunts Point, WA 98004-1121

Town of Yarrow Point
Attn: Mayor Richard Cahill
4030 95th Avenue NE
Yarrow Point, WA 98004

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3455 Evergreen Point Road
Medina, WA 98039

When recorded return to:

David A. Hill
3619 Evergreen Point Rd
Medina, WA 98039

STATUTORY WARRANTY DEED

CW Title CK

CW Title and Escrow
Reference: 50018445-801

THE GRANTOR(S)

Lehua Song, a married person as his separate estate and Piboya Holdings Limited Inc., a British Virgin Island Corporation,

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

in hand paid, conveys, and warrants to
David A. Hill, an unmarried person

the following described real estate, situated in the County 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.)

PTN OF GOV LT 5, SECTION 24, TOWNSHIP 25 NORTH, RANGE 4 EAST, W M

Tax Parcel Number(s): 2425049155

Dated: May 4, 2022

Lehua Song

Piboya Holdings Unlimited Inc., a British Virgin Island Corporation

By: Ping Ping
Ping Ping, Director

STATE OF ~~WASHINGTON~~ Virginia
COUNTY OF ~~KING~~ Richmond

This record was acknowledged before me on 5th day of May, 2022 by Lehua Song and Ping Ping, Director of Piboya Holdings Unlimited.

Brittany Shawntey Goodman
Signature

Notary Public #7825803
Title

My appointment expires: 07/31/2023



Copy

Dated: May 4, 2022

LS
Signed on 2022-05-04 at 15:48:00

Lehua Song

Piboya Holdings Unlimited Inc., a British Virgin Island Corporation

By: _____
Ping Ping, Director

STATE OF WASHINGTON
COUNTY OF KING
WASHIA
NOHPOLK

This record was acknowledged before me on 5 day of May, 2022 by Lehua Song, Director of Piboya Holdings Unlimited.

Ketsia McCleese
Signed on 2022-05-04 at 15:54:48

Signature

Notary Public

Title This notarial act was performed online by way of two-way audio/video communication technology.

My appointment expires: 04/30/2023

Ketsia McCleese
Registration # 327724
Electronic Notary Public
Commonwealth of Virginia
My commission expires the 30 day of Apr 2023
Notary State 20220419 09:25:24 PM

Official Copy

**EXHIBIT A
LEGAL DESCRIPTION**

Property Address: 3619 Evergreen Point Road, Medina, WA 98039
Tax Parcel Number(s): 2425049155

Property Description:

THE NORTH 60 FEET IN WIDTH OF THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT PORTION OF GOVERNMENT LOT 5, SECTION 24, TOWNSHIP 25 NORTH, RANGE 4 EAST, W M, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE 1/16TH CORNER ON THE SCOUTH LINE OF SAID GOVERNMENT LOT 5;

THENCE NORTH 14°39'08", WEST 310.05 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 14°39'28" WEST 155.02 FEET,

THENCE NORTH 89°58'09" WEST PARALLEL WITH THE SAID SOUTH LINE OF GOVERNMENT LOT 5, 310 FEET, MORE OR LESS, TO THE SHORE LINE OF LAKE WASHINGTON;

THENCE SOUTHWESTERLY ALONG SAID SHORE LINE TO THE POINT WHICH BEARS NORTH 89°58'39" WEST FROM SAID POINT OF BEGINNING;

THENCE SOUTH 89°58'09" EAST 420 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING;

TOGETHER WITH THE SHORE LANDS OF THE SECOND CLASS LYING FRONT THEREOF;

EXCEPTING FROM SAID TRACT THE EASTERLY 20 FEET THEREOF HERETOFORE GRANTED TO KING COUNTY FOR ROAD PURPOSES BY DEED RECORDED UNDER RECORDING NUMBER 1947987, RECORDS OF KING COUNTY, WASHINGTON.

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



ECCO

August 11, 2023

City of Medina
501 Evergreen Point Rd
Medina, WA 98039

Re: Project# P-23-006 (SDP) & P-23-017 (SEPA)
Project Address 3619 Evergreen Pt Rd
Contact Evan Wehr
Contact Phone (509) 969-1994
Contact Email evan@eccodesigninc.com

Planner Stephanie Keyser

Stephanie-

Below are our responses to your comments in your letter dated August 10, 2023. Your original comments are in bold italics followed by our response in plain text.

Corrections

1. Upon review of the proposed jet skis, it appears that one of them is too close to the ordinary high-water line. Medina's code requires a minimum distance for all lifts to be not less than 30 feet from the ordinary high-water line (MMC Table 16.65.080). Please amend the location of the lift to be compliant with this code provision.

The platform jet-ski lift is greater than 30' from the ordinary high water mark as proposed. I have added a 30' contour to sheet 4 to show that the lift is waterward of 30' from the ordinary high water mark.

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

Sincerely,

Evan Wehr

PROJECT INFORMATION

APPLICANT:
DAVID HILL

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

SITE ADDRESS:
3619 EVERGREEN POINT RD
MEDINA, WA 98039

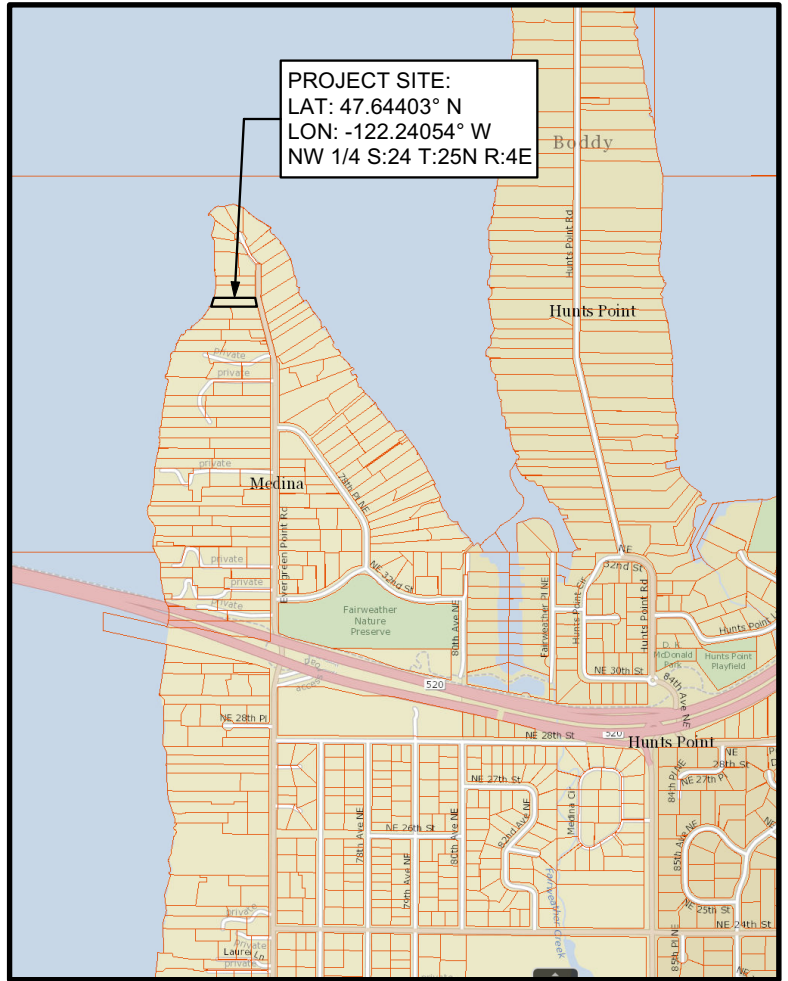
PARCEL NUMBER:
242504-9155

BODY OF WATER:
LAKE WASHINGTON

LEGAL DESCRIPTION:
N 60 FT OF FOLG-BEG AT 1/16 COR OF SEC ON
S LN OF GL 5 TH N 14-39-28 W 310.05 FT TO
TRUE BEG TH N 14-39-28 W 155.02 FT TH N
89-58-39 W 310 FT M/L TO SHORE LN OF LAKE
WASHINGTON TH SWLY ALG SD SHORE LN TO
PT N 89-58-39 W FR TRUE BEG TH S 89-58-39 E
420 FT M/L TO TRUE BEG & SH LDS ADJ LESS
CO RD

PROJECT DESCRIPTION:
REMOVE AN EXISTING PIER AND TWO JET-SKI
LIFTS. CONSTRUCT A NEW PIER. INSTALL A
BOAT LIFT, A PLATFORM LIFT (210 SQ. FT.), AND
A PLATFORM JET-SKI LIFT (210 SQ. FT.). PLANT
NATIVE VEGETATION PER THE PLANTING PLAN.

VICINITY MAP



REFERENCE:

DATUM: C.O.E. Locks Datum

ADJACENT PROPERTY OWNERS:

1. RMMTM Corp
2. Stein Kruse

APPLICANT: David Hill

LOCATION: 3619 Evergreen Point Rd
Medina, WA 98039

LAT/LONG: 47.64403°/-122.24054°

PROPOSED PROJECT:

Pier & Lifts

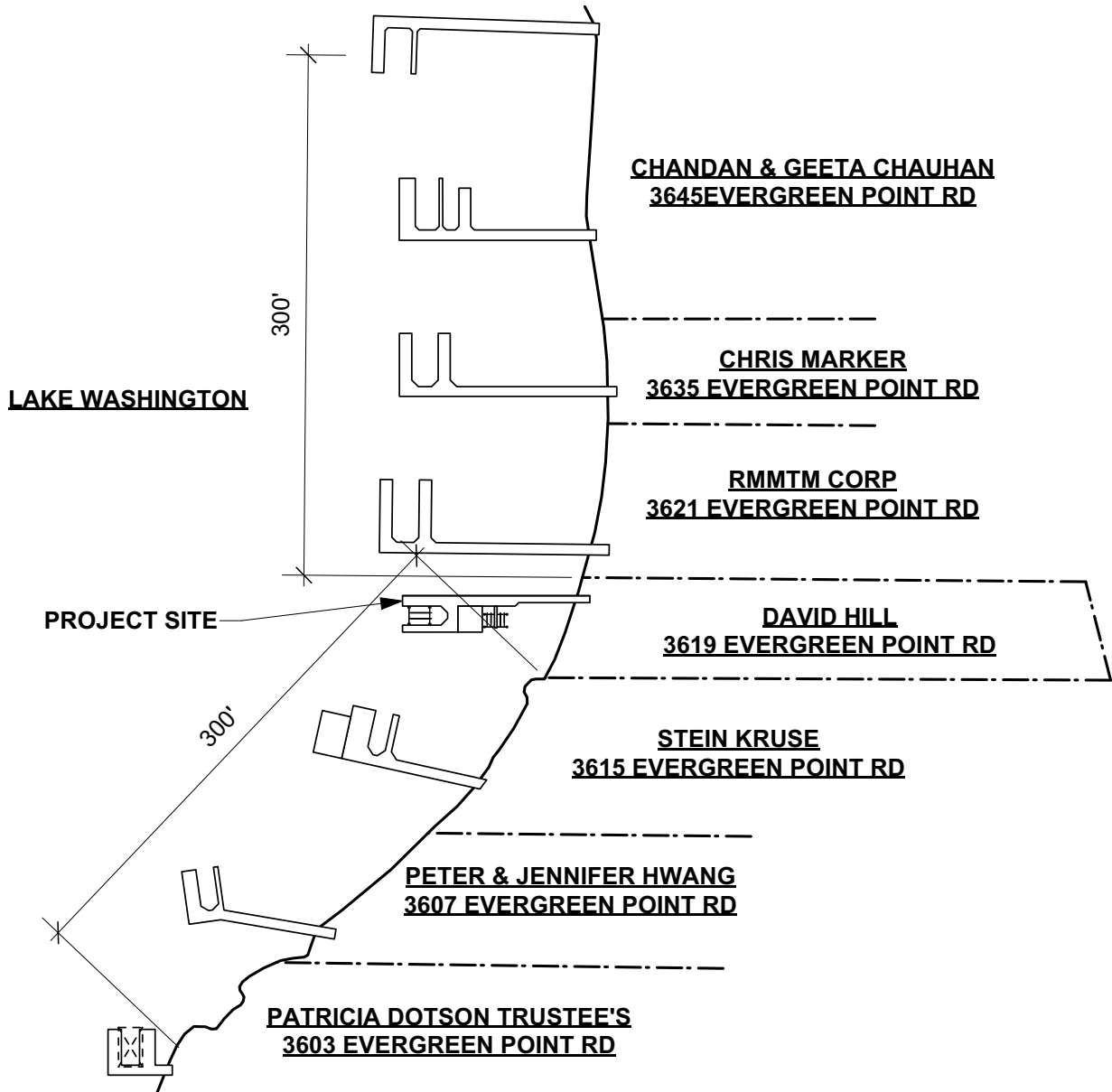
IN: Lake Washington

NEAR/AT: Medina

COUNTY: King **STATE:** WA

SHEET 1 of 9

DATE: August 11, 2023



VICINITY MAP

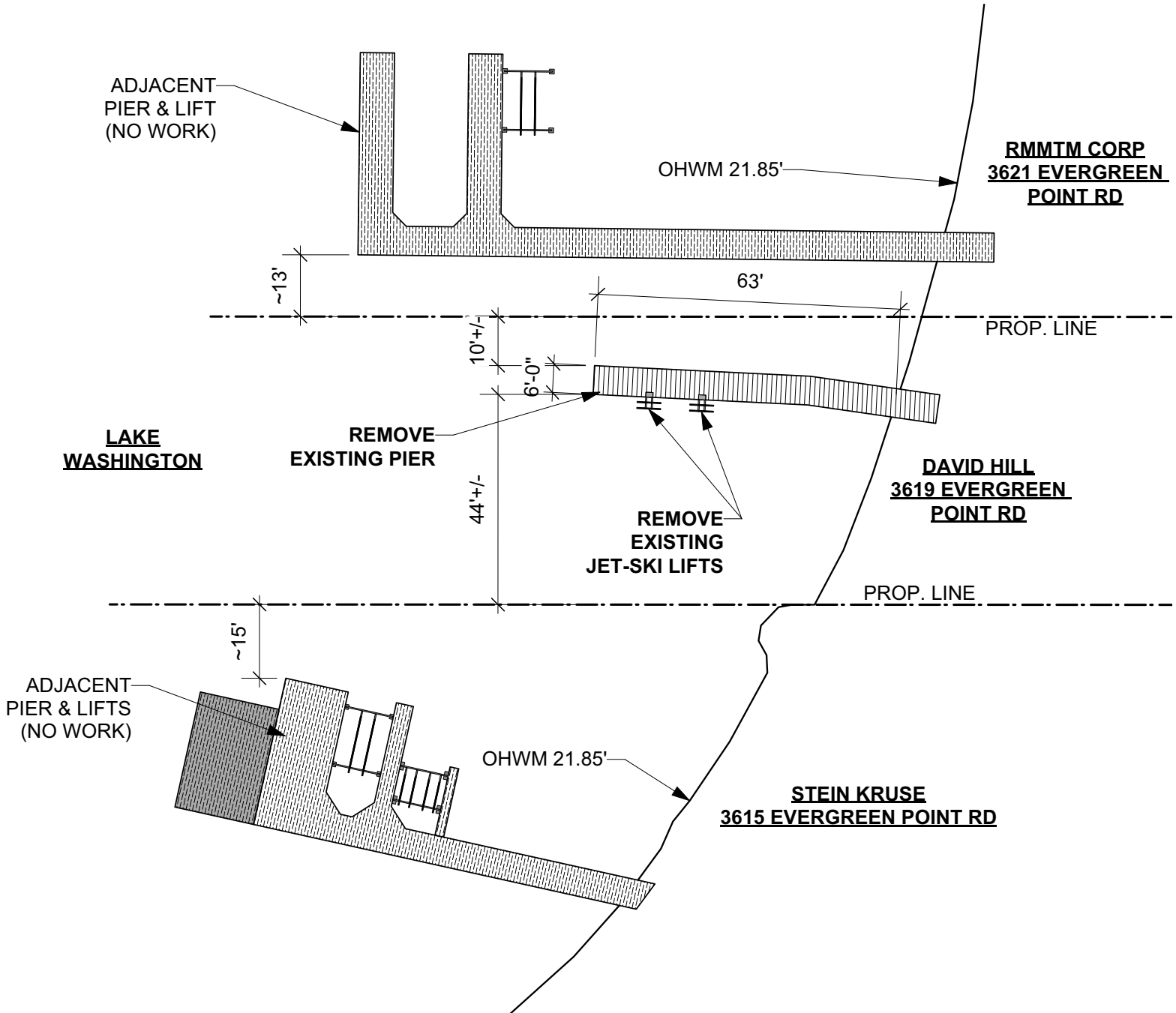
SCALE 1" = 100'-0"



Reference:
Applicant: David Hill

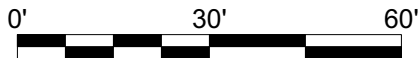
Proposed: Pier & Lifts
Location: Medina, WA

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" = 30'-0"

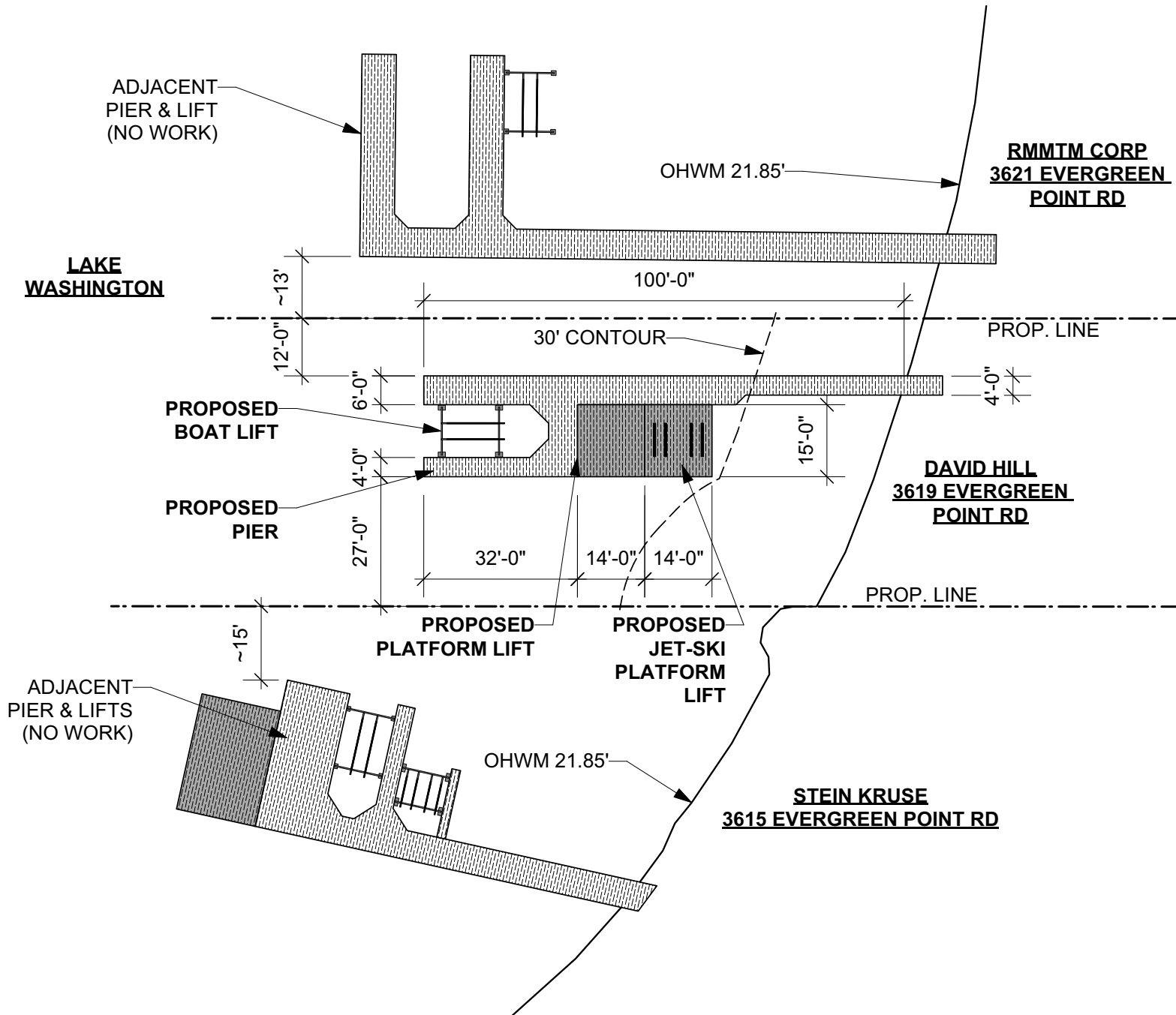


Reference:
Applicant: David Hill

Proposed: Pier & Lifts
Location: Medina, WA

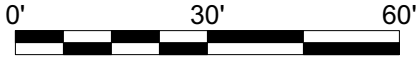
Sheet 3 of 9 Date: 8/1/2023

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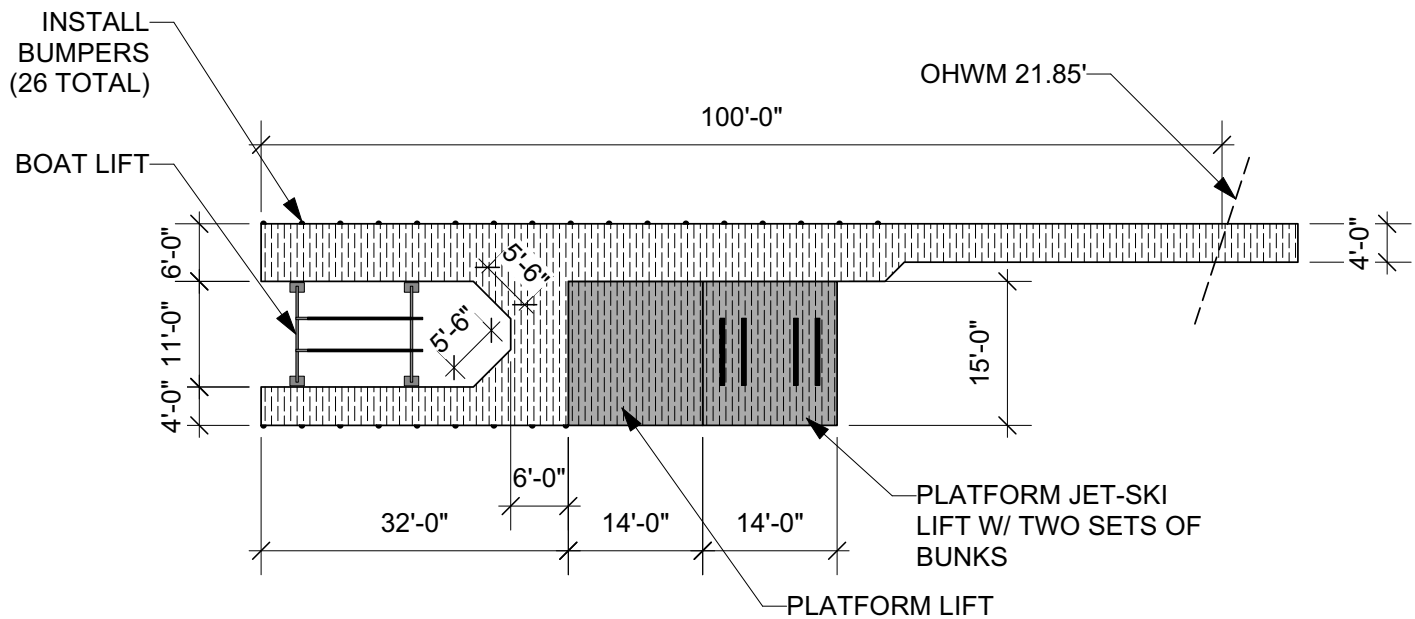
PROPOSED SITE PLAN

SCALE 1" = 30'-0"



Reference:
Applicant: David Hill

Proposed: Pier & Lifts
Location: Medina, WA



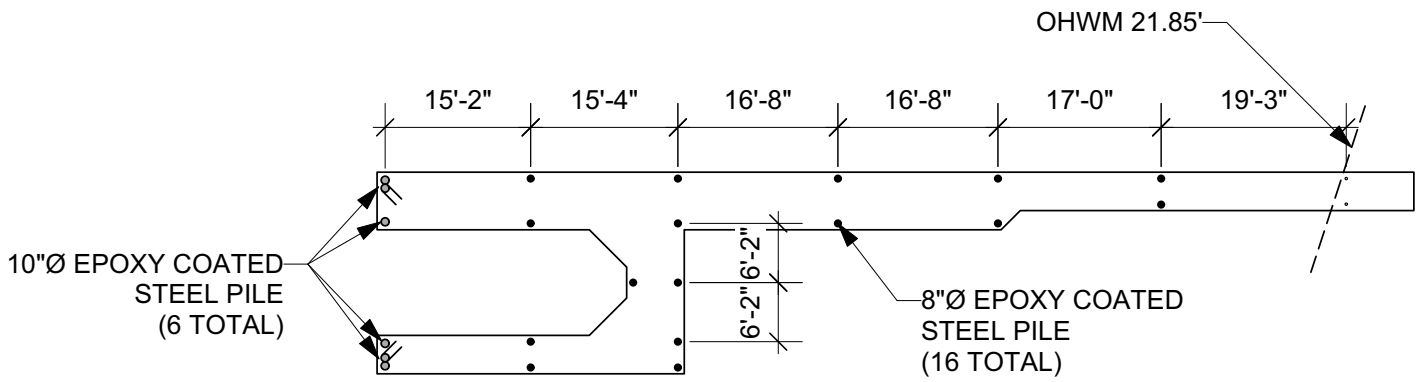
PROPOSED PIER PLAN

SCALE 1" = 20'-0"



Reference:
Applicant: David Hill

Proposed: Pier & Lifts
Location: Medina, WA



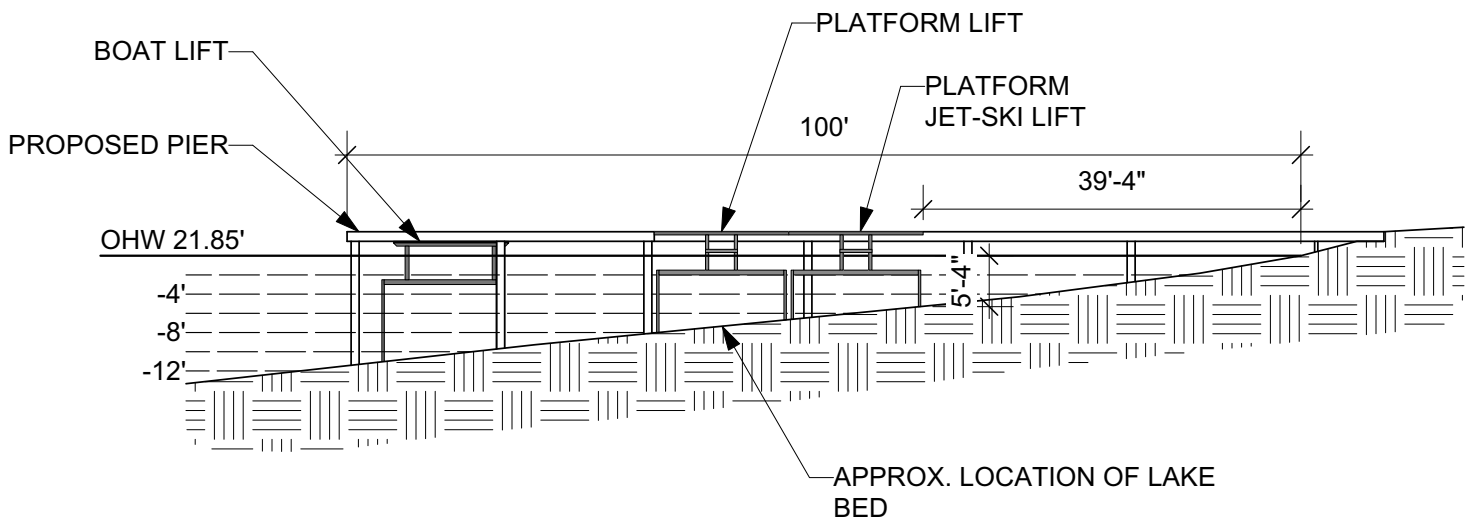
PROPOSED PILE PLAN

SCALE 1" = 20'-0"



Reference:
Applicant: David Hill

Proposed: Pier & Lifts
Location: Medina, WA



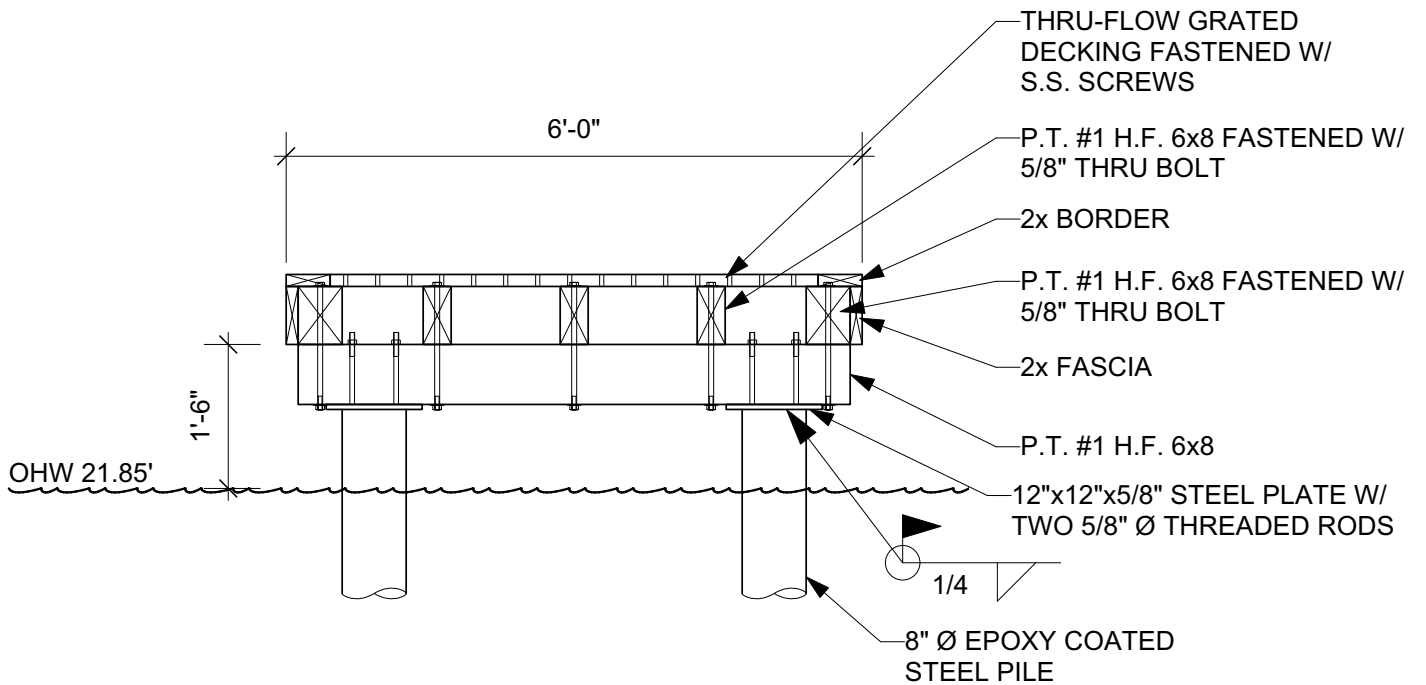
ELEVATION

SCALE 1" = 20'-0"



Reference:
Applicant: David Hill

Proposed: Pier & Lifts
Location: Medina, WA



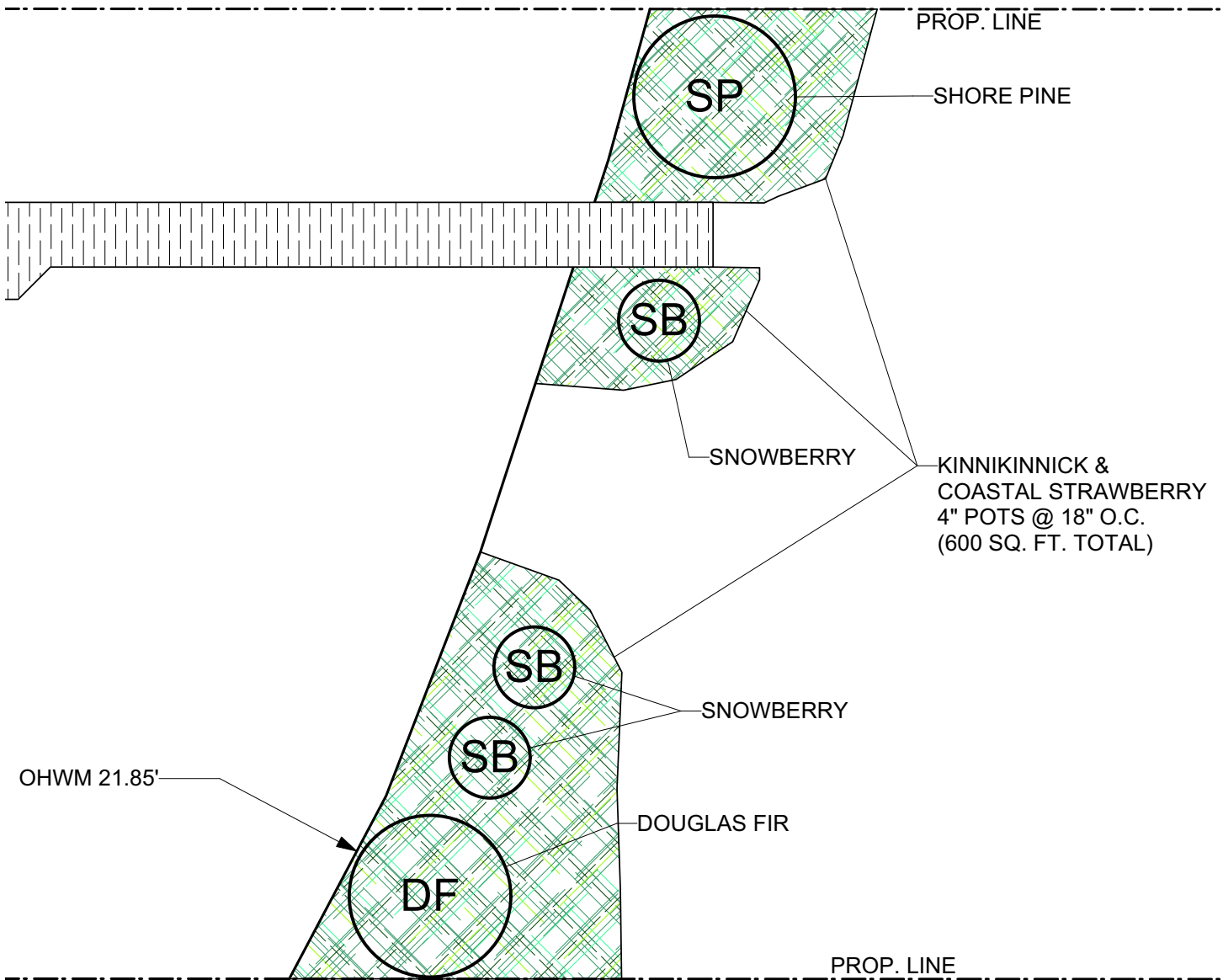
PIER WALKWAY SECTION A **(PROPOSED)**

SCALE 1/2" = 1'-0"



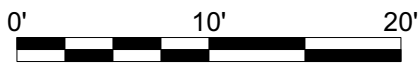
Reference:
Applicant: David Hill

Proposed: Pier & Lifts
Location: Medina, WA



PLANTING PLAN

SCALE 1" = 10'-0"



Reference:
Applicant: David Hill

Proposed: Pier & Lifts
Location: Medina, WA



ECCO

December 4, 2023

City of Medina
501 Evergreen Point Rd
Medina, WA 98039

Re: Project# P-23-006 (SDP) & P-23-017 (SEPA)
Project Address 3619 Evergreen Pt Rd
Contact Evan Wehr
Contact Phone (509) 969-1994
Contact Email evan@eccodesigninc.com

Planner Sharon Snook

Sharon-

Below are our responses to your comments in your letter dated November 3, 2023. Your original comments are in bold italics followed by our response in plain text.

Corrections

1. Planting Plan: Per MMC 16.65.040.E, when a new dock or pier is established, emergent vegetation waterward of the ordinary high-water line per Washington State Fish and Wildlife and/or Corps of Engineers requirements must be established along with a riparian vegetative planting area. The planting plan included in both submittals does not have emergent vegetation waterward of the ordinary high-water line.

Neither WDFW nor the A.C.O.E. require emergent vegetation to be planted waterward of the ordinary high water line for projects like this on Lake Washington. I consulted with Northwest Environmental Consulting (the preparer of the NNL report for the project) regarding the feasibility of establishing emergent vegetation at the site. Their conclusion is that it would be highly difficult to do so due the existing loose gravel substrate at the site. Emergent vegetation needs a muddy substrate to be able to establish. Loose gravel substrates constantly churn from wave action and prevent emergent vegetation from taking hold. The site gets a lot of wave action from boat wakes and storms due to the location and the fetch. Emergent vegetation will naturally establish in areas with the right conditions. Since currently there is none at the site it indicates that it is unlikely to be able to be established. We are currently not proposing emergent vegetation for the project.

Planting plans prepared by a qualified professional are also accepted per MMC 16.65.040.E. All planting plans must include maintenance and monitoring programs including:

- 1. An outline of the schedule for site monitoring***
- 2. Performance standards with 100 percent survival of newly planted vegetation within the first two years of planting, and 80 percent for years three and more***
- 3. Contingency plans identifying courses of action and any corrective measures to be taken if monitoring indicates performance standards are not being met***
- 4. The period of time necessary to establish performance standards has been met, not to be less than three years; and***



ECCO

5. A form of financial security as prescribed in MMC 6.65.060.G of this section.

A monitoring and maintenance plan has been added to sheet 10 of the revised drawings. Regarding the financial security, in the past it has not been required by the city for other projects like this. MMC 16.65.040 G. states that 'the city may require a financial security', not that they will require one. Please confirm that one is required. I have added a note to sheet 10 stating that a financial security will be set up if required by the city.

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

Sincerely,

Evan Wehr

Sudhir & Heather Singh
PO Box 347
Medina, WA 98039

Phillis Lindsey
PO Box 70367
Seattle, WA 98127

Kenneth Pan
3609 Evergreen Point Road
Medina, WA 98039

Chris Marker
PO Box 869
Medina, WA 98039

Colin Radford
10423 Main St Suite 4
Bellevue, WA 98004

Bruce D Milne
20409 NE 116th St
Redmond, WA 98004

Phyllis A Lindsey Trust
PO Box 70367
Seattle, WA 98127

Gail Husick
3602 Evergreen Point Rd
Medina, WA 98039

Peter & Jennifer Hwang
3205 Evergreen Point Road
Medina, WA 98039

David Hill
3619 Evergreen Point Road
Medina, WA 98039

Michael & Suzanne Cohen
PO Box 649
Medina, WA 98039

Zhong Chen & Wenlu Ma
3461 Evergreen Point Road
Medina, WA 98039

Richard Rooney & Angie Song
3655 Evergreen Point Road
Medina, WA 98039

Gary & Della Furukawa
9826 NE 26th St
Bellevue, WA 98004

Neil & Margery Hokonson
3648 Fairweather Ln
Medina, WA 98039

Chandan & Geeta Chauhan
3645 Evergreen Point Road
Medina, WA 98039

Peter & Patricia May
3630 Evergreen Point Road
Medina, WA 98039

Stein Kruse
3615 Evergreen Point Road
Medina, WA 98039

Ann Woodliff
PO Box 809
Medina, WA 98039

RMMTM Corp
3621 Evergreen Point Road
Medina, WA 98039

Rosemary Reed Trustee
3444 Evergreen Point Road
Medina, WA 98039

Alan & Joanne Montgomery
3455 Evergreen Point Road
Medina, WA 98039

PROJECT INFORMATION

APPLICANT:
DAVID HILL

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

SITE ADDRESS:
3619 EVERGREEN POINT RD
MEDINA, WA 98039

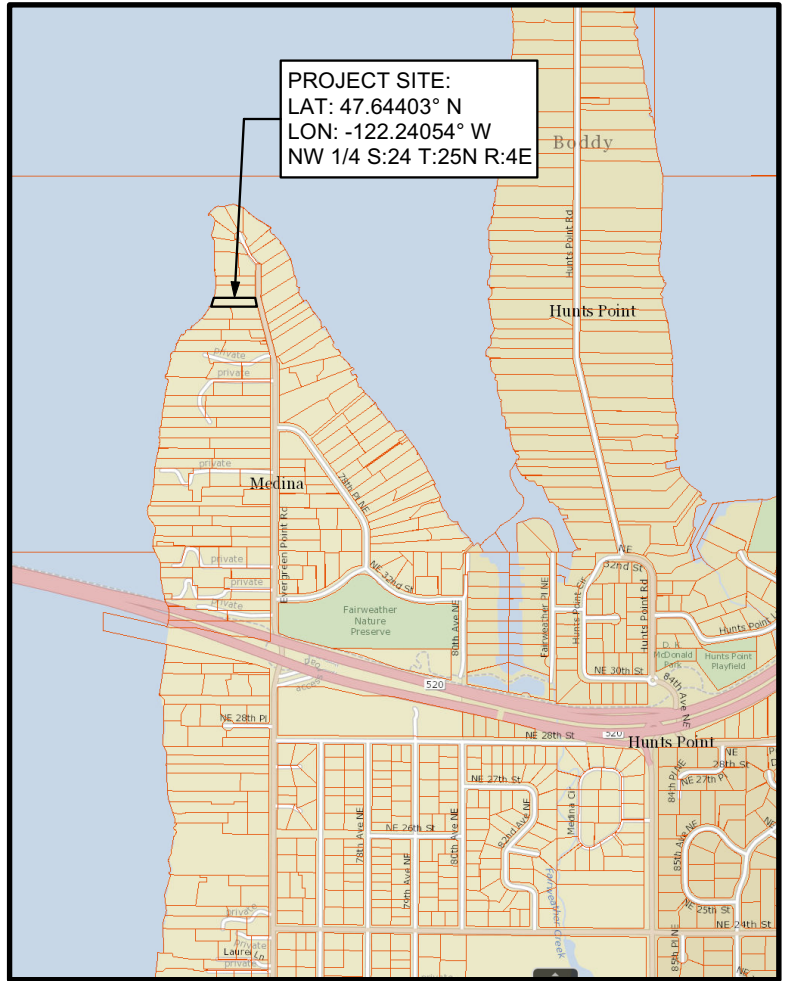
PARCEL NUMBER:
242504-9155

BODY OF WATER:
LAKE WASHINGTON

LEGAL DESCRIPTION:
N 60 FT OF FOLG-BEG AT 1/16 COR OF SEC ON
S LN OF GL 5 TH N 14-39-28 W 310.05 FT TO
TRUE BEG TH N 14-39-28 W 155.02 FT TH N
89-58-39 W 310 FT M/L TO SHORE LN OF LAKE
WASHINGTON TH SWLY ALG SD SHORE LN TO
PT N 89-58-39 W FR TRUE BEG TH S 89-58-39 E
420 FT M/L TO TRUE BEG & SH LDS ADJ LESS
CO RD

PROJECT DESCRIPTION:
REMOVE AN EXISTING PIER AND TWO JET-SKI
LIFTS. CONSTRUCT A NEW PIER. INSTALL A
BOAT LIFT, A PLATFORM LIFT (210 SQ. FT.), AND
A PLATFORM JET-SKI LIFT (210 SQ. FT.). PLANT
NATIVE VEGETATION PER THE PLANTING PLAN.

VICINITY MAP



REFERENCE:

DATUM: C.O.E. Locks Datum

ADJACENT PROPERTY OWNERS:

1. RMMTM Corp
2. Stein Kruse

APPLICANT: David Hill

LOCATION: 3619 Evergreen Point Rd
Medina, WA 98039

LAT/LONG: 47.64403°/-122.24054°

PROPOSED PROJECT:

Pier & Lifts

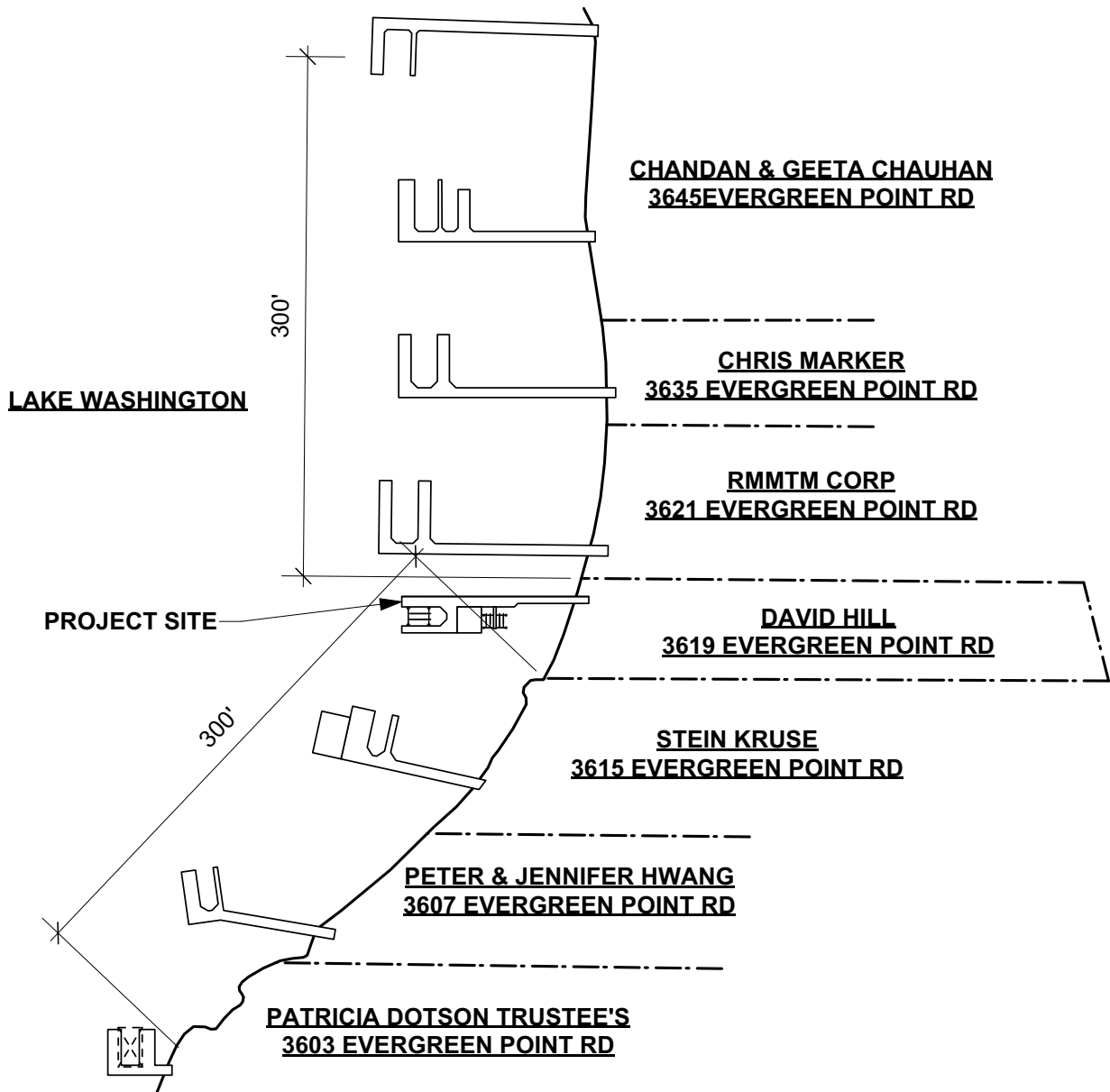
IN: Lake Washington

NEAR/AT: Medina

COUNTY: King **STATE:** WA

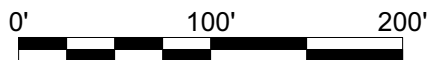
SHEET 1 of 10

DATE: December 4, 2023



VICINITY MAP

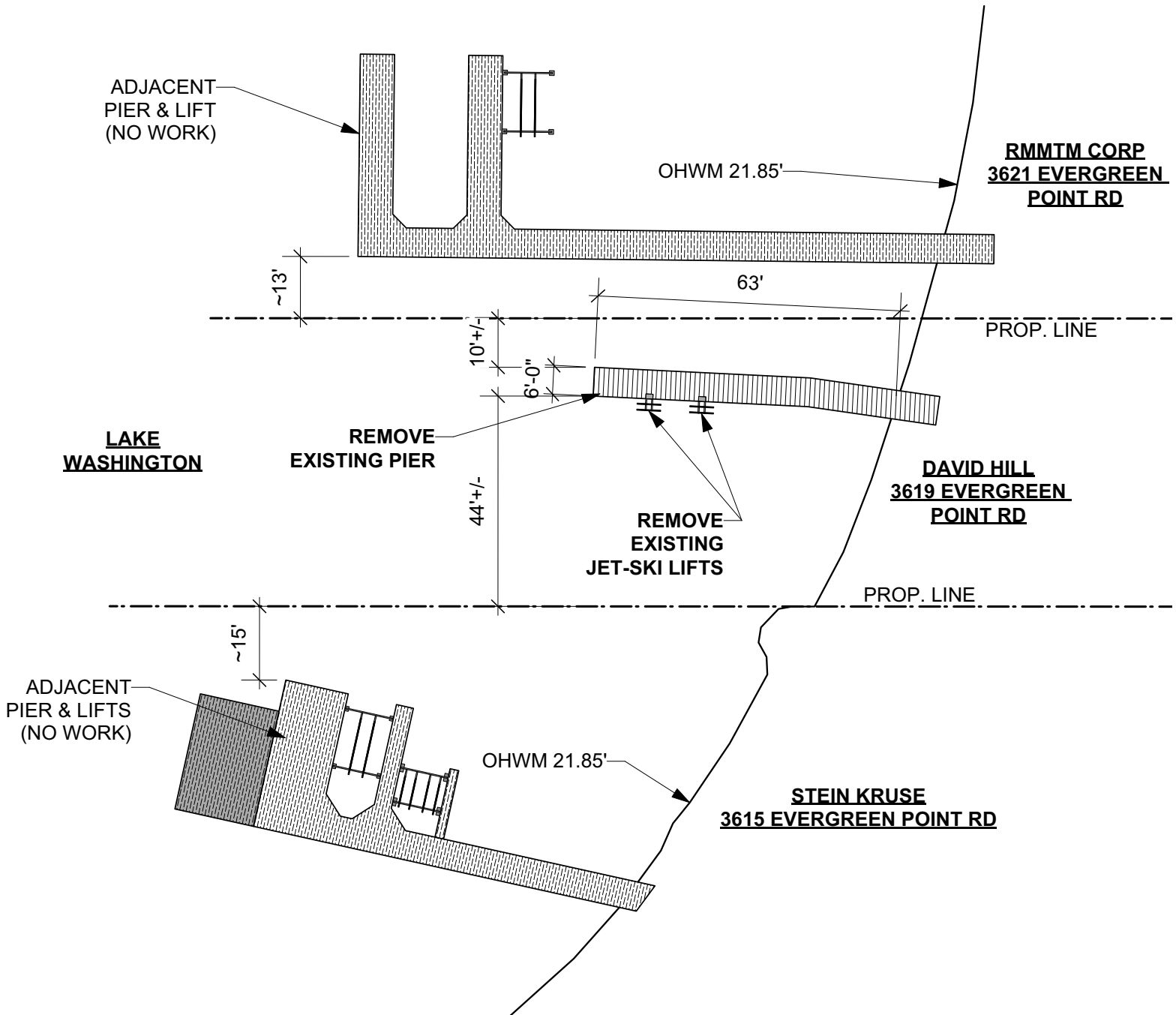
SCALE 1" = 100'-0"



Reference:
Applicant: David Hill

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" = 30'-0"

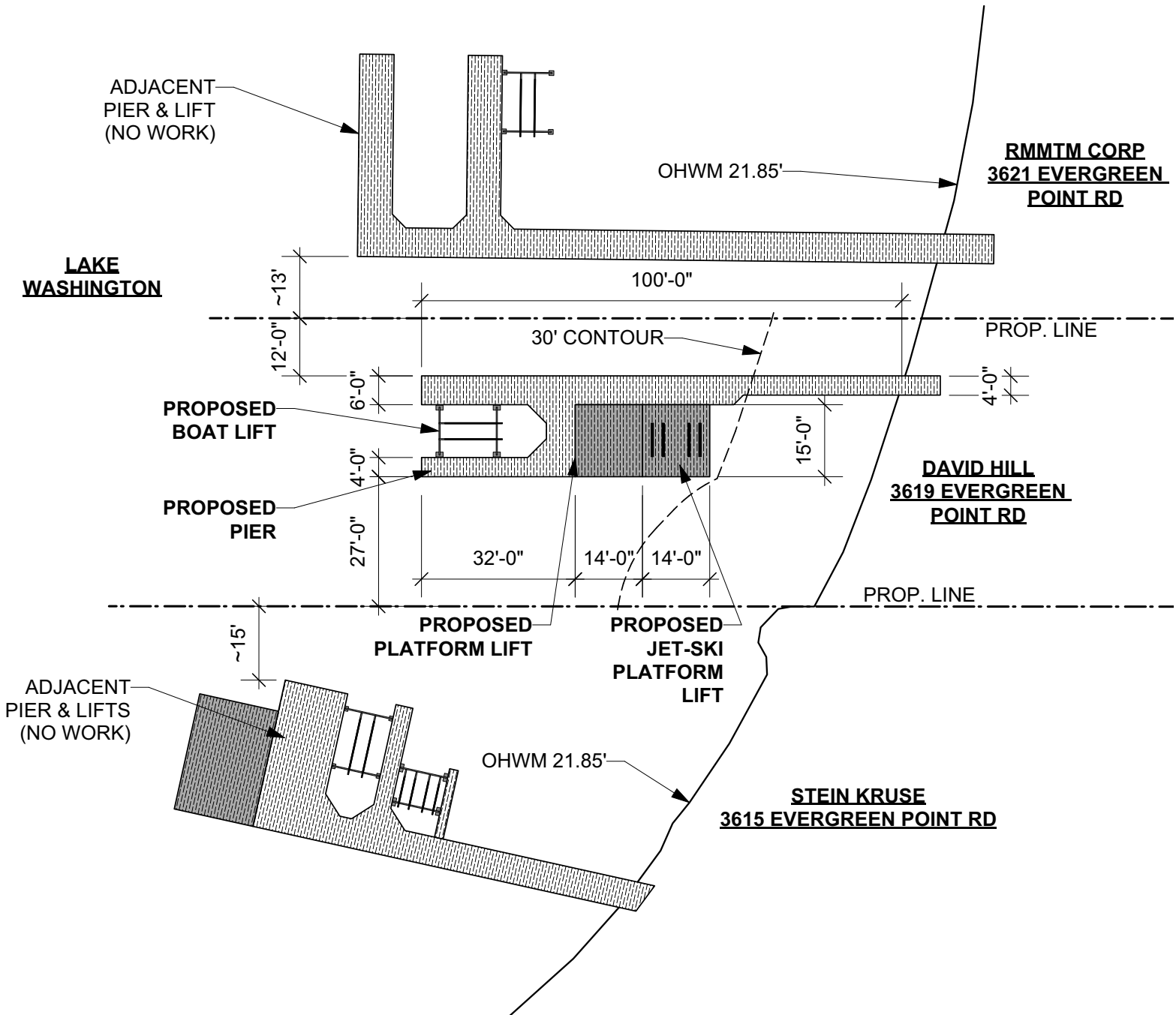


Reference:
Applicant: David Hill

Proposed: Pier & Lifts
Location: Medina, WA

Sheet 3 of 10 Date: 12/1/2018

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



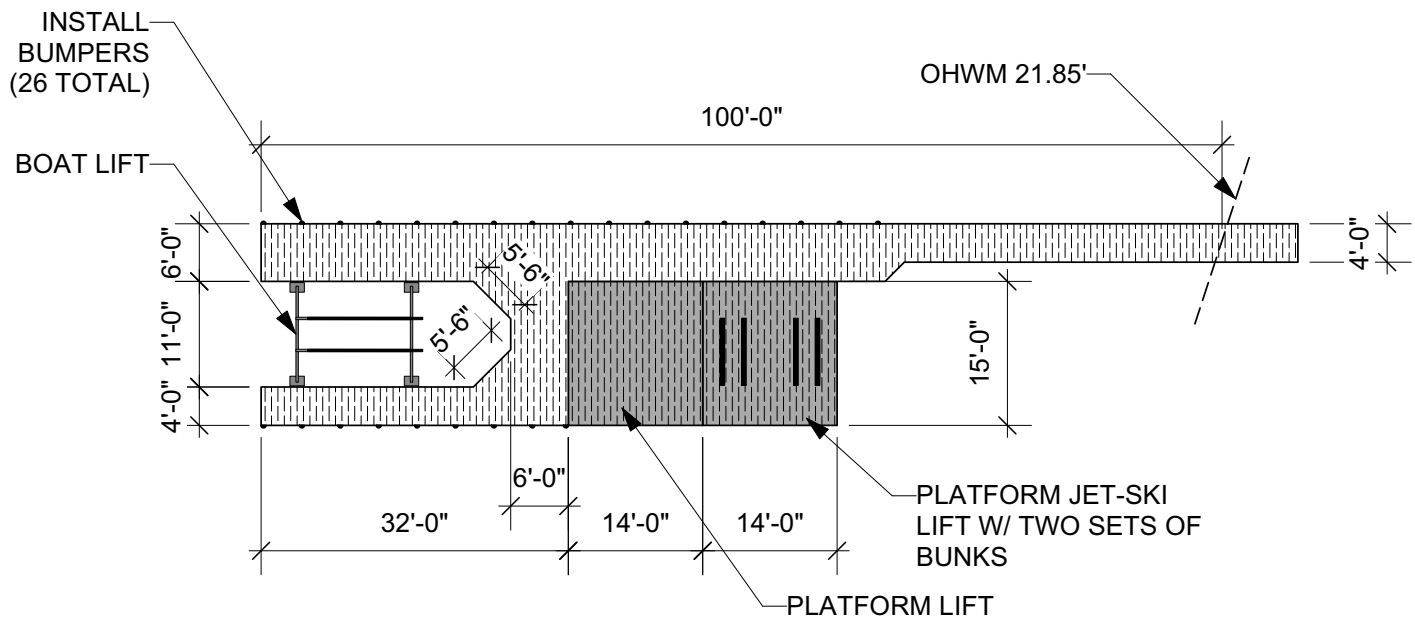
PROPOSED SITE PLAN

SCALE 1" = 30'-0"



Reference:
Applicant: David Hill

Proposed: Pier & Lifts
Location: Medina, WA



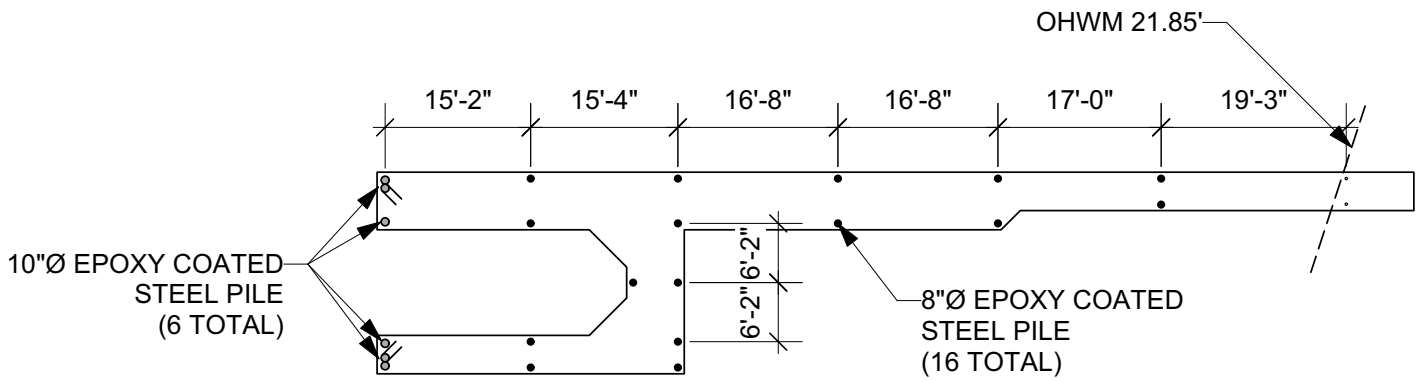
PROPOSED PIER PLAN

SCALE 1" = 20'-0"



Reference:
Applicant: David Hill

Proposed: Pier & Lifts
Location: Medina, WA



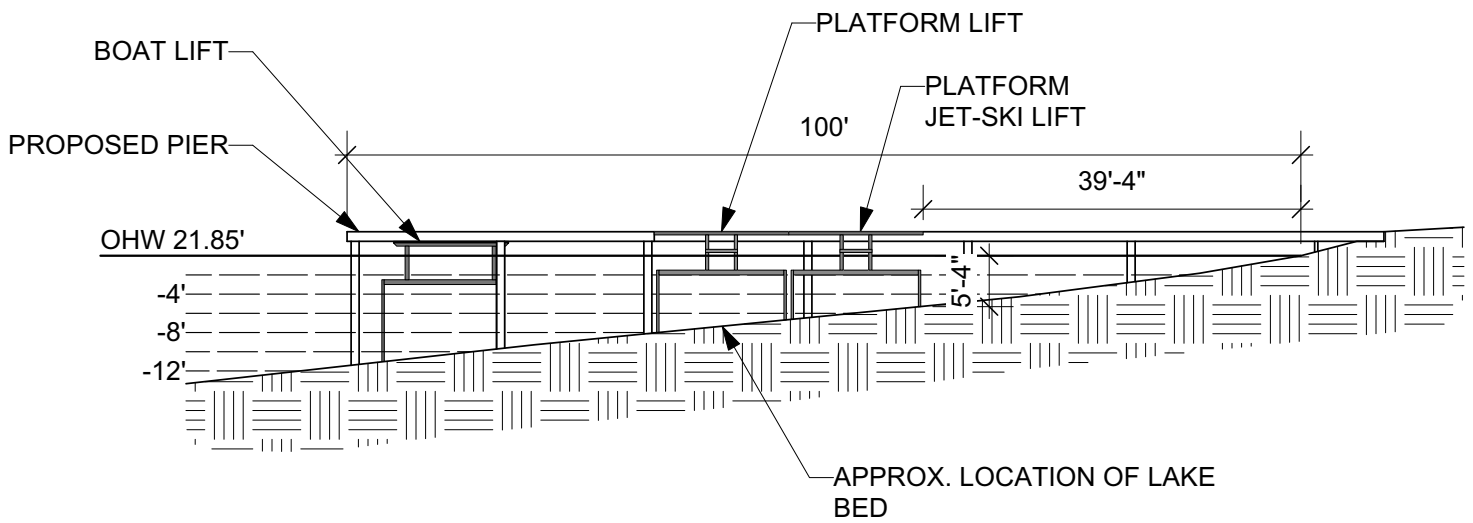
PROPOSED PILE PLAN

SCALE 1" = 20'-0"



Reference:
Applicant: David Hill

Proposed: Pier & Lifts
Location: Medina, WA



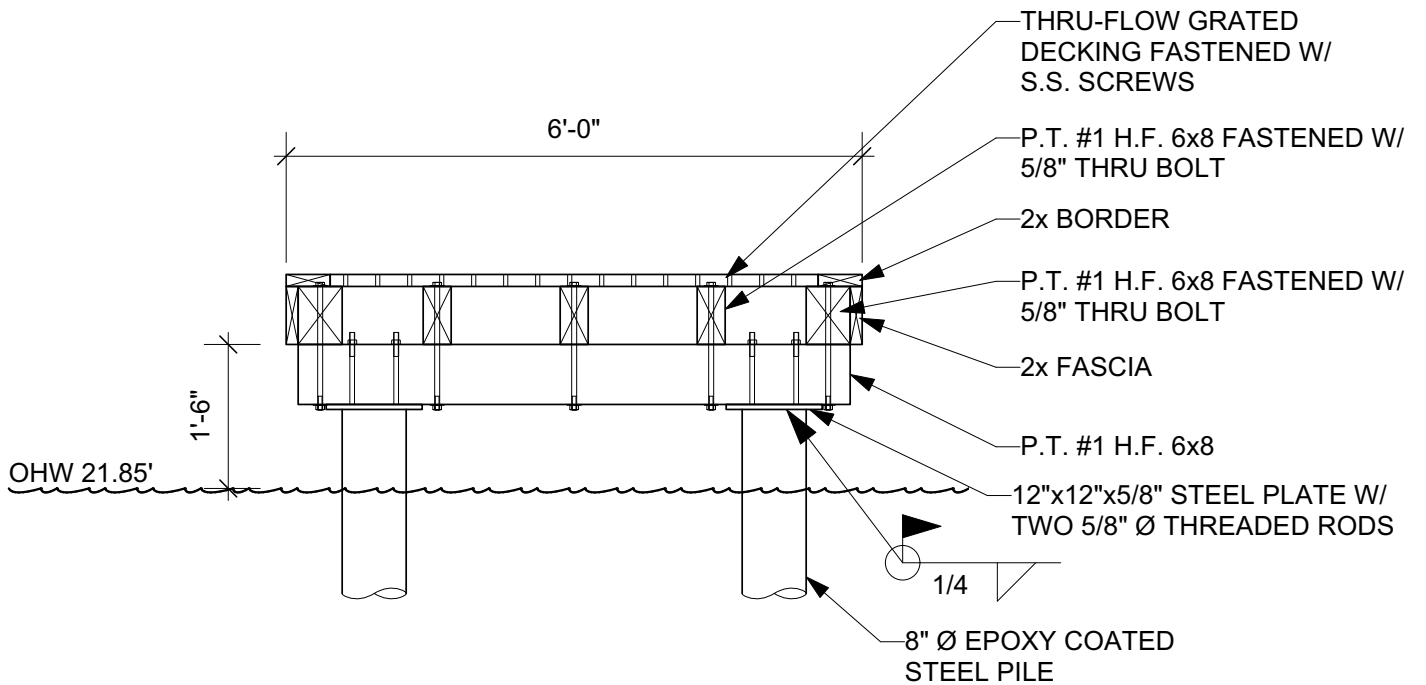
ELEVATION

SCALE 1" = 20'-0"



Reference:
Applicant: David Hill

Proposed: Pier & Lifts
Location: Medina, WA



PIER WALKWAY SECTION A **(PROPOSED)**

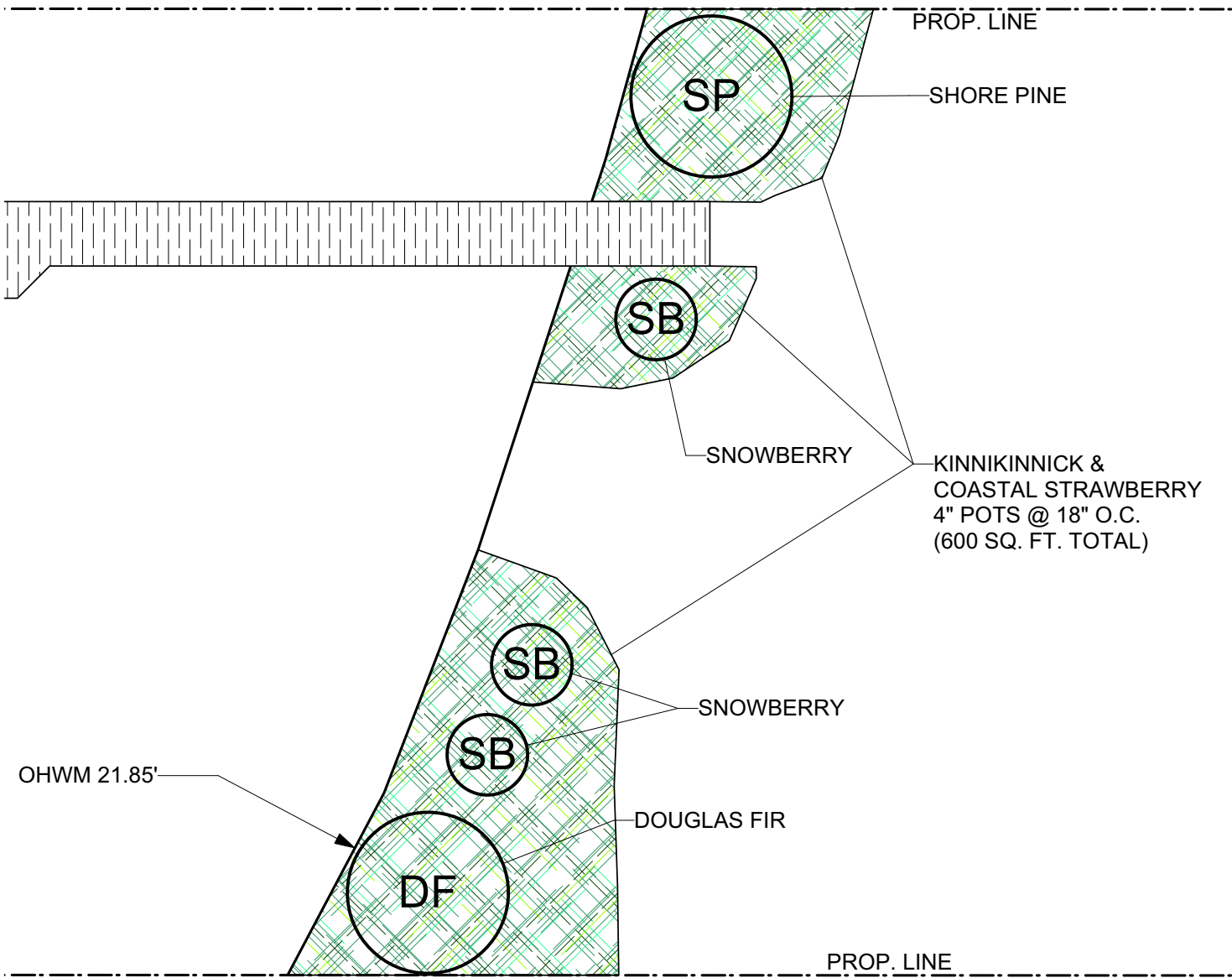
SCALE 1/2" = 1'-0"



Reference:
Applicant: David Hill

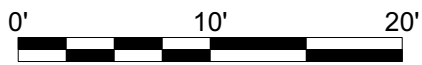
Proposed: Pier & Lifts
Location: Medina, WA

Sheet 8 of 10 **Date:** 12/14/2018



PLANTING PLAN

SCALE 1" = 10'-0"



Reference:
Applicant: David Hill

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: David Hill

Proposed: Pier & Lifts

Location: Medina, WA

Sheet 10 of 10 Date: 12/11/23



DEVELOPMENT SERVICES

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

Water Depth Waiver Request

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: David Hill	Water depth waiver request is for (check one): <input type="checkbox"/> Pier/ Float <input type="checkbox"/> Covered Moorage <input checked="" type="checkbox"/> Boatlift/ Jet Ski Lift <input type="checkbox"/> Buoy/ Moorage Pile
Property Address: 3619 Evergreen Point Road Medina, WA 98039	

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.

The proposed pier extends to the maximum length, 100 feet from the OHWM. It is not possible to extend it further to meet the depth requirement without a shoreline variance.

Staff Review: Applicant provided evidence satisfying criterion: Yes No

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.

The proposed location of the platform lifts places them in as deep of water as possible while avoiding navigational issues with the pier to the south at 3615 Evergreen Point Road. In order to moor at the southern pier the neighbor has to come in from the north and needs a fair amount of space to make the 90 degree turn to get on their lift. Placing the proposed platform lifts on the southwest corner of the proposed pier would put them in a location that would interfere with the neighbors navigational space. This area of the lake can be quite rough which makes navigation difficult. Placing the lifts to the east of the boat lift creates a lot more space to allow the neighbor to safely navigate onto their boat lift.

Staff Review: Applicant provided evidence satisfying criterion: Yes No

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

The minimum water depth is called out on sheet 7 of the plans. It is 5'-4".

Staff Review: Applicant provided evidence satisfying criterion: Yes No

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: 

Date: 7/24/2023

DECISION:

The request for a waiver from the minimum water depth requirement for a _____ at _____ is hereby:

- Approved
- Denied

Signature: _____
Director of Development Services

Date: _____



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

STATE ENVIRONMENTAL POLICY ACT

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

General Information

Name of proposed project: Hill Pier		
Applicant Name: David Hill		
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):
Summer 2023

Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
No

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.
No

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.
Demo an existing pier and construct a new pier. Install a boat lift, grated platform lift, and double jet-ski lift.

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.

3619 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.

Not Applicable

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

Not Applicable

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:

Not Applicable

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.**

No

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

None

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.**

Not Applicable

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

No

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

No

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.

No

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

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.

None

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?
 None

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:

<input type="checkbox"/> birds:	<input checked="" type="checkbox"/> hawk,	<input checked="" type="checkbox"/> heron,	<input checked="" type="checkbox"/> eagle,	<input type="checkbox"/> songbirds,	<input type="checkbox"/> other: _____
<input type="checkbox"/> mammals:	<input checked="" type="checkbox"/> deer,	<input type="checkbox"/> bear,	<input type="checkbox"/> elk,	<input checked="" type="checkbox"/> beaver,	<input type="checkbox"/> other: _____
<input type="checkbox"/> fish:	<input checked="" type="checkbox"/> bass,	<input checked="" type="checkbox"/> salmon,	<input checked="" type="checkbox"/> trout,	<input type="checkbox"/> herring,	<input type="checkbox"/> shellfish, <input type="checkbox"/> 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.

<p>6. Energy and natural resources</p> <p>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.</p> <p>Not applicable</p>
<p>b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.</p> <p>No</p>
<p>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:</p> <p>None</p>

<p>7. Environmental health</p> <p>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.</p> <p>No</p>
<p>1) Describe special emergency services that might be required.</p> <p>None</p>
<p>2) Proposed measures to reduce or control environmental health hazards, if any:</p> <p>None</p>
<p>b. <u>Noise:</u></p> <p>1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?</p> <p>None</p>

- 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

- c. **Describe any structures on the site.**

Single family house and pier.

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

No

- 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?**

Not Applicable

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:

None

9. Housing

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

Not Applicable

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

Not Applicable

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

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

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?

Not applicable

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

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

No

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

No change

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

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: 12/23/2022