

**CITY OF MERCER ISLAND
ORDINANCE NO. 20C-13**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON,
AMENDING MICC 19.13.050(F)(2) IN EXHIBIT A TO ORDINANCE NO. 19C-06
AS RECOMMENDED BY THE DEPARTMENT OF ECOLOGY FOR APPROVAL
OF THE PROPOSED SHORELINE MASTER PROGRAM.**

WHEREAS, the Mercer Island City Code (MICC) contains a Shoreline Master Program, adopted pursuant to RCW 90.58.080; and,

WHEREAS, the Mercer Island City Council passed Ordinance No. 19C-06, containing amendments to the Shoreline Master Program;

WHEREAS, a Cumulative Impact Analysis consistent with the standards in WAC 173-26-201, supporting the proposed changes to the Shoreline Master Program has been completed; and

WHEREAS, the City of Mercer Island received Conditional Approval of its proposed Shoreline Master Program on May 26, 2020 from the Department of Ecology, subject to incorporation of changes described below in Section 1; and

WHEREAS, the City of Mercer Island agrees to adopt said changes to obtain the Department of Ecology's approval and to effectuate of its proposed Shoreline Master Program;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1: **MICC 19.13.050(F)(2) Amended.** MICC 19.13.050(F)(2) in Exhibit A to Ordinance No. 19C-06 is hereby amended as follows:

[...]

- i) ~~Structural repair. The repair, replacement, or reconstruction~~ structural repair, which may include replacement of framing elements, of moorage facilities that results in the ~~repair, replacement, or reconstruction~~ of more than 50 percent of the structure's ~~structural framing elements (including pilings)~~ within a five year period shall comply with ~~the following standards~~ (1) through (3) below. For this section, framing elements include, but are not limited to, stringers, piles, pile caps, and attachment brackets, as shown in Figure D:

- ~~(1) Piers, docks, and platform lifts~~ 100 percent of the decking area of the pier, dock, and any platform lifts must be fully grated with materials that allow a minimum of 40 percent light transmittance;
- (2) The height above the OHWM for moorage facilities, except floats, shall be a minimum of one and one-half feet and a maximum of five feet; and
- (3) An existing moorage facility that is five feet wide or more within 30 feet waterward from the OHWM shall be replaced or repaired with a moorage facility that complies with the width of moorage facilities standards specified in Table D of section 19.13.050.

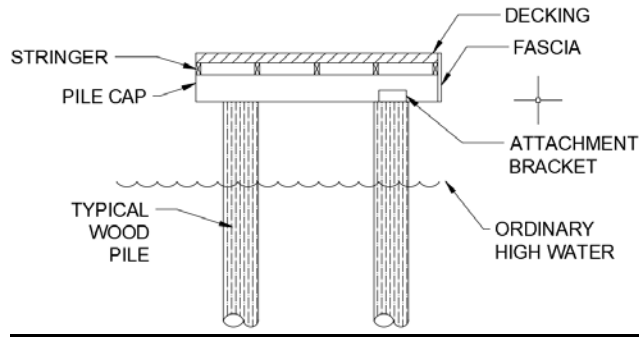


Figure D: Example of Overwater Structure

- j) The repair, replacement, or reconstruction of exterior surface repair. The exterior surface repair, which may include the replacement of exterior surface materials of moorage facilities that results in the repair, replacement, or reconstruction of more than 50 percent of the structure's exterior surface (including decking) area of the moorage facility's decking, fascia, and platform lifts within a five year period (see Figure D), shall be required to utilize fully grated piers, docks, and platform lifts with materials that allow a minimum of 40 percent light transmittance over 100 percent of the dock.
- k) Any decking that is removed in the course of repair shall be replaced with decking materials that allow a minimum of 40 percent light transmittance.

Section 2: **Severability.** If any section, sentence, clause or phrase of this ordinance or any municipal code section amended hereby should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this ordinance or the amended code section.

Section 3: **Publication and Effective Date.** A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five days after the date of publication.

PASSED by the City Council of the City of Mercer Island, Washington at its regular meeting on June 16, 2020 and signed in authentication of its passage.

CITY OF MERCER ISLAND

Benson Wong, Mayor

APPROVED AS TO FORM:

ATTEST:

Bio Park, City Attorney

Deborah A. Estrada, City Clerk

Date of Publication: _____