

1 **BEFORE THE HEARING EXAMINER FOR THE CITY**
2 **OF MERCER ISLAND**

3 Phil Olbrechts, Hearing Examiner

4 RE: Mercer Island Beach Club	FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL DECISION.
5 Shoreline Conditional Use and	
6 Substantial Development	
7 Permit	
8 SHL25-007 and SHL25-008	

9 **INTRODUCTION**

10 The Mercer Island Beach Club has requested a shoreline substantial development
11 permit (SSDP) and a shoreline conditional use permit (SCUP) to replace four existing
12 piers, a log boom, a rock and timber bulkhead and swimming area with a new single
13 access, floating pier, wave attenuator and swimming beach at 8326 Avalon Drive. The
14 SSDP is approved and it is recommended that the Washington State Department of
15 Ecology (DOE) approve the SCUP.

16 The proposal has drawn some concerns from neighbors. The most significant concern
17 was new erosion caused by wave deflection from the reconfigured marina. The
18 Applicant prepared a compelling report from an engineering firm that modelled the
19 wave patterns and energy resulting from the reconfiguration. The modelling
20 established that changes in wave energy would be negligible at levels the Applicant’s
21 engineer testified would not result in any material increase in erosion impacts. One
22 reason for this nominal change in energy is that the existing cedar log boom will be
23 replaced with a boom composed of a corrugated surface that will serve to dissipate
24 wave energy.

25 Neighbors also raised concern about noise, traffic and parking. Staff testified that since
no boat slips are being added, the membership of the beach club will not increase and
thus no increases in parking demand or traffic are anticipated. As to noise, the
Applicant has recently made improvements to the existing marina facilities to reduce
or even eliminate the source of “squeaky” dock noises. These design improvements
will be implemented into the proposed improvements as well.

TESTIMONY

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

1 only as Appendix A. Since the transcript is computer generated, it is not 100% accurate,
2 but does provide a useful indication of what testimony was presented during the hearing.

3 EXHIBITS

4 The 22 exhibits identified at pages 1-2 of the January 12, 2026 staff were admitted into
5 the record during the January 23, 2026 hearing.

6 FINDINGS OF FACT

7 Procedural:

8 1. Applicant. The Applicant is Gardner Morelli of the Mercer Island Beach
9 Club (8326 Avalon Drive, Mercer Island, APN 3124059003) as represented by Brad
10 Thiele of Northwest Environmental Consulting.

11 2. Hearing. The Hearing Examiner conducted a hearing on the application on
12 January 23, 2026, at 9:00 am via the Zoom application.

13 Substantive:

14 3. Site and Proposal Description. The Mercer Island Beach Club (MIBC) has
15 requested an SSDP and SCUP to replace four existing piers, a log boom, a rock and
16 timber bulkhead and swimming area with a new single access, floating pier, wave
17 attenuator and swimming beach at 8326 Avalon Drive. The project will remove Piers
18 A-D with a combined overwater footprint of 7,532.6sf and install two new mooring
19 structures. The reconfigured moorage will increase the total overwater coverage by
20 4,084.4sf for a new overwater total of 13,752.6sf.

21 The MIBC is a nonprofit membership club with 500 members. The MIBC was
22 established in 1954. The club's marina, including log boom and swimming deck, are
23 over 50 years old and at the end of their useful life. They are also non-compliant with
24 current code. The MIBC proposes a reconfiguration and expansion of a portion of the
25 existing marina and swimming facilities.

The existing moorage configuration includes seven moorage docks for a total overwater
coverage of 9,668.2sf (Piers A - F plus a floating day dock attached to the end of Dock
C) (Ex. 6). Pier A is a combined swim dock and moorage dock. Piers B through D are
moorage docks only. Each of the six docks is individually attached to the shoreline.
There is a boat ramp on the north side of the property between Piers E and F. Paddle
craft racks are located near the boat ramp. A cedar log boom currently surrounds the
swimming area at south end of the marina. The existing facility currently provides
moorage for 70 boats and seven jet skis (within repurposed boat slips).

The MIBC proposes construction of a single point access marina to replace the existing
fixed A-D docks with a new hybrid marina consisting of a new fixed shoreward and
floating seaward slip marina. No work will occur at Piers E or F. The replacement

1 portions of the marina configuration will include moorage for 52 boats and 12 jet skis.
2 The total boat slip count in the before and after will be the same. The moorage for jet
3 skis will increase from five to 12 slips.

4 The existing swim platform will be replaced with a reconfigured and separated platform
5 with a narrower fixed walkway and will be moved farther into the lake to access deeper
6 water for safety purposes. The existing log boom will be replaced with a wave
7 attenuator around the existing swimming area.

8 The piers will be lengthened to reach deeper water as Piers A-D are located in shallow
9 water that creates the potential for boats bottoming out and/or causing propeller wash.
10 Additionally, both swimmers and boats currently use Pier A, which creates user group
11 conflicts and potentially endangers swimmers. The project will replace 121 timber
12 pilings with 98 epoxy coated steel pilings driven in with a vibratory hammer. During
13 construction, a floating boom will surround the work barge and dock.

14 However, within 30 feet of the OHWM, overwater coverage will be reduced by 380sf
15 and shadowing will be reduced by using grated decking. Boat moorage will be farther
16 from the OHWM starting approximately 80 feet from shore. The new configuration
17 meets Washington Administrative Code criteria (WAC 332-30-139) for freshwater
18 marinas by creating a single point access marina in place of the existing multi-point
19 access moorages.

20 Sixty linear feet of existing rock and timber bulkheads located to the south of the
21 swimming area will be replaced with a beach cove area. The new beach will be
22 approximately 60 linear feet south of the swim area. The project will also remove 8
23 cubic yards of debris, install 25 cubic yards of beach nourishment gravel and install
24 two Douglas Fir and three Red Flowering Currants.

25 4. Characteristics of the Area. Adjacent uses are single-family residential in
character. The entire area is zoned R-8.4 and is within the Urban Residential shoreline
environmental designation.

5. Adverse Impacts of Proposed Use. The proposal will not create any
significant adverse impacts. The SEPA Responsible Official issued a determination of
non-significance for the project (Exhibit 21). As conditioned, no net loss of of
ecological functions will occur. Pertinent impacts are addressed in more detail as
follows:

A. Critical Areas. The project is located in the shoreline jurisdiction of Lake
Washington. Lake Washington is habitat to federally endangered fish
species and priority fish species as identified by the Washington
Department of Fish and Wildlife.

There is also a piped water course present through the property in a 12-inch
PVC pipe. This piped water course flows out of the pipe at the edge of the

1 property line and flows along the southern property boundary on the
2 adjacent parcel for approximately 18 feet before discharging into Lake
3 Washington. The stream is non-fish bearing with a 60-foot buffer. Portions
4 of the project will occur in the stream buffer including bulkhead removal,
5 invasive vegetation removal, and creation of a recreational path to the water
6 through the footprint of the existing bulkhead (which will be removed and
7 replaced with a beach) (Ex. 6). Additionally, the existing playset will be
8 removed.

9 The proposed No Net Loss Report and Critical Areas Study (Ex. 6)
10 concludes there will be no net loss of ecological functions as a result of the
11 project. The project will minimize construction effects by following
12 prescribed fish windows and using applicable Best Management Practices
13 to prevent construction spills, turbidity, and floating debris from escaping
14 the area. The removal of solid decking and replacement with grated decking
15 will result in a net decrease in effective overwater coverage of 6,008sf (Ex.
16 6, page 12). The consolidation of access points for the docks will remove
17 three existing access points and improve the shoreline. The swim dock will
18 be replaced with a narrower dock. Together, these measures will reduce the
19 coverage of the nearshore by approximately 380sf of overwater coverage.
20 Skirting will be removed from the ends of Docks A and B which will raise
21 the effective height of the docks and allow additional light into the water
22 below the docks. The project will also replace 121 pilings with 98 pilings
23 which results in the restoration of about 55sf of lake bottom. Another 8
24 cubic yards of derelict pile stubs and other debris will be removed from the
25 lake bottom. The project will include buffer plantings. Mitigation includes
reporting and performance standards for maintenance and survival. The
removal of the timber and rock bulkhead will enhance the shoreline by
reducing reflective waves that can cause shoreline erosion. Up to an
additional 25 cubic yards of beach nourishment gravel will be placed in and
above the waterline of the lake to create a beach. The owner will also pay
into the King County In Lieu Fee Program that benefits salmon
conservation efforts in the county. These design and mitigation measures
will ensure the continued health of the shoreline environment.

21 B. Shoreline Access. The proposal will have no significant adverse impacts to
22 shoreline access. Shoreline access will improve with the project. Currently
23 the shoreline is armored with a timber and rock bulkhead. The project will
24 remove the existing bulkhead and invasive plant species. These will be
replaced by a new beach access trail, a new gravel beach cove to support a
public swimming area and native landscaping. The project will provide
improved shoreline access.

25 C. Navigation. No significant impacts to navigation are apparent. The length
of the piers will be extended over the existing condition. Currently boats are
moored in water that is shallow and is subject to scouring. The project will

lengthen the piers and replace the existing log boom with a wave attenuator. The project will also separate the swimming area from the boat traffic. This should improve navigation near and within the marina. The marina will be marked by red solar-powered marine navigation lights and reflectors (Sheets 5, 25, and 27 of Ex. 2). As conditioned, all impacts to navigation are mitigated.

D. Compatibility. The proposal is fully compatible with surrounding uses. The project involves replacement of marina facilities that have been in place for over 50 years. The project will improve the shoreline environment by removing an existing bulkhead and replacing it with a beach and public access trail. Four docks will become a single access point dock with grated decking and a reduced near-shore overwater impact. The rotting log boom will be replaced by a wave attenuator. Invasive species will be removed and replaced with native vegetation. Overall, the existing use will become more ecologically friendly, safer and more aesthetically appealing while preserving the existing number of boat slips.

E. Wave Reflection. The proposal will not result in wave reflection impacts to shorelines in the vicinity.

An impact of significant concern was raised by a couple neighbors regarding wave reflection. The neighbors plausibly were concerned that the reconfigured marina would redirect wave energy to their shorelines, thereby causing erosion impacts. In response the Applicant prepared a wave reflection analysis, authored by PND Engineers, Inc. Using wave modelling and engineering formulae, the report concludes that the proposal would have negligible impacts on existing wave energy along adjoining shorelines. A significant factor in these results was that the new log boom would be made of corrugated surface, which is expected to dissipate more wave energy than the existing cedar log boom.

F. Noise. Another concern raised by neighbors was noise. The new facilities are not anticipated to make existing noise problems any worse. Noise issues in the past were likely caused by the connection between the gangway and land and the rollers surrounding the piles. The Applicant states that they replaced at the end of July the metal shackles with plastic bushed swing links as well as replaced the gangway guides and rollers at the base of the ramp to further reduce noise. The Applicant states that noise has been reduced to almost nothing since these improvements were made. The new gangways for the new marina will have plastic bushed swing links that will not make steel on steel noises. All piles will have roller guides to minimize rubbing, squeak noises as well.

1 G. Parking. The proposal will not exacerbate any existing parking problems.
2 The number of boat slips will not increase as a result of the proposal. There
3 will be five added jet ski slips added. Staff testified that the increase in jet
4 ski slips won't trigger any growth in current membership and thus will not
5 increase demand for parking.

6 H. Traffic. Since staff have determined that the improvements won't increase
7 membership, the proposal is not found to increase and/or exacerbate any
8 existing traffic problems.

9 CONCLUSIONS OF LAW

10 Procedural:

11 1. Authority of Hearing Examiner. Shoreline substantial development (SSDP)
12 and shoreline conditional use (SCUP) permit applications are classified as Type III and
13 Type IV permits respectively under MICC 19.15.030. MICC 19.15.030(F) provides for
14 consolidation of the two permits into Type IV review. Type IV review for SCUPs
15 involves a recommendation to the Washington State Department of Ecology.

16 Substantive:

17 2. Shoreline Designation. The SMP designates the project site as Urban
18 Residential.

19 3. Permit Review Criteria/Adoption of Staff Report SMP Policy Analysis.
20 The MICC doesn't adopt any review criteria for SSDP or SCUP permit applications.
21 Consequently, the standards of WAC 173-2-150 (SSDPs) and WAC 173-27-160(1)
22 (SCUPs) are construed as governing the permitting criteria. Applicable standards are
23 quoted below in italics and applied via corresponding conclusions of law.

24 Shoreline Substantial Development Permit

25 **WAC 173-27-150(1)a:** *Review criteria for substantial development permits.*

*(1) A substantial development permit shall be granted only when the development
proposed is consistent with:*

(a) The policies and procedures of the act [Chapter 90.58 RCW];

RCW 90.58.020: *Legislative findings—State policy enunciated—Use preference.*
The policies of RCW 90.58.020 are as follows:

...

1 *The legislature declares that the interest of all of the people shall be paramount in*
2 *the management of shorelines of statewide significance. The department, in adopting*
3 *guidelines for shorelines of statewide significance, and local government, in*
4 *developing master programs for shorelines of statewide significance, shall give*
5 *preference to uses in the following order of preference which:*

- 6 (1) *Recognize and protect the statewide interest over local interest;*
- 7 (2) *Preserve the natural character of the shoreline;*
- 8 (3) *Result in long term over short term benefit;*
- 9 (4) *Protect the resources and ecology of the shoreline;*
- 10 (5) *Increase public access to publicly owned areas of the shorelines;*
- 11 (6) *Increase recreational opportunities for the public in the shoreline;*
- 12 (7) *Provide for any other element as defined in RCW 90.58.100 deemed*
13 *appropriate or necessary.*

14 4. The criterion is met. The staff report details the procedures employed to
15 process the subject shoreline permit applications and no compliance issues are evident.
16 The policies of the “Act” (the Shoreline Management Act) are addressed in RCW
17 90.58.020, quoted above. The policies listed in RCW 90.58.020 are met as the proposed
18 project is of minimal size and intensity and will have no significant, recognizable
19 impact on shoreline resources once completed as detailed in Finding of Fact No. 5 and
20 will also not adversely affect navigation while improving existing access to the
21 shoreline. As such, the natural character, resources, ecology and public access of the
22 shoreline will not be negatively impacted by this project.

23 **WAC 173-27-150(1)b:** *(b) The provisions of this regulation; and*

24 5. The criterion is met. “This regulation” is interpreted to mean Chapter 173-
25 27 WAC, which addresses permit review procedures, review criteria and enforcement.
The staff report identifies the procedures employed for review of the shoreline permits
and evidences satisfactory compliance with all applicable Chapter 173-27
requirements. This decision applies the review criteria required by Chapter 173-27.

WAC 173-27-150(1)c: *The applicable master program adopted or approved for*
the area. ...

6. The criterion is met. The proposal complies with all applicable SMP use
regulations for the reasons identified in Section V of the staff report and adopted by
this reference. Major applicable use categories and findings of conformance are
summarized as follows:

MCC 19.13.050A – Landward Development – For the most part these standards
don’t apply because no development is proposed landward of the OHWM.

MCC 19.13.050B – Bulkheads and Shoreline Stabilization – As identified in FOF
No. 5, the new bulkhead will result in no net loss of ecological function. The new

1 bulkhead will be landward of the existing structure and landward of the OHWM as
2 required. The new bulkhead will not increase the size of the bulkhead it is replacing as
3 required. The new bulkhead will be constructed parallel to the shoreline as required.

4 **MCC 19.13.050B** – Moorage Facilities – The proposed moorage facility will be
5 setback more than 10 feet from the lateral line as required. The existing boat ramp is
6 located greater than 25 feet from any adjacent private property as required. Per MICC
7 19.13.050(L)(1) the proposed marina is not required to meet the Table D requirements
8 for moorage facilities related to width and length. The proposed handrail on the main
9 ramp is less than four feet in height as required.

10 **MCC 19.13.050G** – Breakwaters – Breakwaters are prohibited unless installed to
11 protect or restore ecological functions. The wave attenuator would provide protection
12 to ecological functions in the shoreline restoration area as well as provide greater wave
13 dissipation and will not result in an increase of wave reflection towards adjacent
14 properties, as shown in the Wave Reflection Study (Exhibit 9). The proposed wave
15 attenuator would be a float that is intended to provide the wave attenuation necessary
16 to protect the restored shoreline area and those areas providing public access to the
17 shoreline; therefore, this requirement is met.

18 **MCC 19.13.050L** – Marinas -- The proposed development is consistent with the
19 requirements for moorage facilities except for the regulations related to width and
20 length. The proposed marina is owned and operated by an organization or corporation
21 serving at least 50 people as required. The Applicant provided an Ecological No Net
22 Loss Assessment Report and Critical areas Study prepared by Northwest
23 Environmental Consulting, LLC (Exhibit 6) which demonstrates the proposed
24 development will not create a net loss in ecological function in the shorelands and a
25 Demand Analysis (Exhibit 5) as required. The marina would be operated consistent
with federal and state water quality laws and established BMPs, including those listed
on the plan set (Exhibit 2, Sheet 19-21 of 28) and rules for spill prevention and response
will be posted on site as conditioned. The marina is designed to pull development away
from the nearshore and out to the inner harbor line to further avoid potential impacts to
the shoreline and lakebed as required.

As stated in the Demand Analysis (Exhibit 5) the marina is the minimum size necessary
to meet all competing demands. The overwater structures are the minimum width
necessary to accommodate the expected need of multiple users accessing their vessels,
including families with small children and elderly members. The proposed
development will provide the same number of boat slips as the previous configuration
and the slip dimensions are designed to be the minimum size necessary to moor the
expected MIBC member vessels; therefore, this requirement is met.

The proposed marina will be marked by red solar-powered marine navigation lights,
and by reflectors, as shown on Sheet 5, 25 and 27 of the plan set (Exhibit 2) as required.
The proposal does not contain materials treated with pentachlorophenol, creosote,
chromated copper arsenate, or comparably toxic compounds. Any paint, stain or

1 preservative applied to components of the marina must be leach resistant and
2 completely dried or cured prior to installation; therefore, this requirement is met.

3 The proposed marina will not interfere with the public use and enjoyment of the water
4 or create a hazard to navigation. The proposal does not propose to create any new boat
5 slips and while the reconfiguration is located further out into the lake, it is only to the
6 extent required to avoid potential impact to the shoreline and lakebed.

7 The proposal provides multiple restrooms located in the upland facilities. The proposed
8 development provides at least one covered and secured waste receptacle upland of the
9 OHWM which can be located on Sheet 27 of the plan set (Exhibit 2).

10 Disturbance of bank vegetation is limited to the minimum amount necessary. The
11 applicant provided an Ecological No Net Loss Assessment Report and Critical Areas
12 Study by Northwest Environmental Consulting, LLC (Exhibit 6) which found the
13 disturbance of bank vegetation is limited to the minimal amount necessary and the
14 proposed development includes a shoreline planting plan (Exhibit 2, Sheet 23 of 28) to
15 remove non-native vegetation and replace with native vegetation.

16 As conditioned, the proposed development will be required to obtain any permits from
17 state and federal agencies that are applicable to the proposed development

18 The proposal will not result in an increase in extended mooring on the waters of the
19 state. As conditioned, vessels shall be restricted from extended mooring on waters of
20 the state, except as allowed by applicable state regulations and unless a lease or
21 permission is obtained from the state and impacts to navigation and public access are
22 mitigated.

23 Piles associated with the proposed development are at least 18 feet from the OHWM
24 (Exhibit 2, Sheet 5 of 28). The proposed development utilizes steel external epoxy
25 coated piles (Exhibit 2, Sheet 5 of 28). The proposed development includes piles
spaced greater than 18 feet apart measured lengthwise. The proposed spacing of the
piles would result in new piles equaling 78.5 percent of the existing piles. The piles
vary between eight inches in diameter to 16 inches in diameter. The larger piles are
needed due to the size of the proposed development. The proposed development would
remove the existing 121 timber pilings and replace with 98 epoxy coated steel pilings.
All piles that extend above the surface of the dock will be fitted with anti-perching caps
(Exhibit 2, Sheet 6 of 28).

26 A portion of the swim dock and main ramp are located within 30 feet of the OHWM.
27 Both have a proposed width of 6 feet, which is at the maximum allowed six feet in that
28 area. The applicant has provided a no net loss plan (Exhibit 6) which addresses the
29 portion of the marina with a width of 7, 8 and 10 feet beyond 30 feet from the OHWM
(Exhibit 2, Sheet 5 of 28). As conditioned, the proposed development is required to
obtain any permits from state and federal agencies that are applicable to the proposed
development.

1 The applicant has provided a demand analysis (Exhibit 5) that confirms the swim dock
2 and marina are designed to avoid adverse effects on the navigability of the waterways.
3 The proposed floats are designed to be further out into the lake to prevent the bottom
4 of the float from resting on the lakebed. All floats will be fully enclosed and made of
5 durable material; therefore, this requirement is met.

6 **Shoreline Conditional Use Permit**

7 **WAC 173-27-160(1)a:** *That the proposed use is consistent with the policies of RCW*
8 *90.58.020, the Master Program;*

9 7. The criterion is met for the reasons identified in Conclusion of Law No. 4
10 (SMA policies); No. 6 (SMP goals and policies); No. 7-13 (SMA regulations) and
11 Section H of the staff report (MVMC).

12 **WAC 173-27-160(1)b:** *That the proposed use will not interfere with the normal public*
13 *use of public shorelines;*

14 8. The criterion is met. The project improves upon the current access enjoyed
15 by club members and does not materially affect access by the rest of the public.

16 **WAC 173-27-150(1)c:** *That the proposed use of the site and design of the project is*
17 *compatible with other authorized uses within the area and with uses planned for the*
18 *area under the Comprehensive Plan and the SMP;*

19 9. The criterion is met for the reasons identified in Finding of Fact No. 5D.

20 **WAC 173-27-150(1)d:** *That the proposed use will cause no significant adverse effects*
21 *to the shoreline environment in which it is to be located; and*

22 10. The criterion is met for the reasons identified in Finding of Fact No. 5B.

23 **WAC 173-27-150(1)e:** *That the public interest suffers no substantial detrimental*
24 *effect.*

25 11. The criterion is met. The proposal is in the public interest because it will
create no adverse impacts as determined in Finding of Fact No. 5 while also supporting
a necessary public service, i.e. stormwater management.

DECISION

The proposed Mercer Island Beach Club project is consistent with all the criteria for a
shoreline substantial development permit and shoreline conditional use permit for the
reasons identified in the Conclusions of Law above. The SSDP is approved and its is

1 recommended that DOE approve the SCUP, subject to the following conditions of
2 approval:

- 3 a. The proposed development shall be in substantial conformance with Exhibit
4 2 and all applicable development standards contained within Chapter 19.13
5 of the Mercer Island City Code (MICC).
- 6 b. The applicant shall obtain any permits from state and federal agencies that
7 are applicable to the proposed development. The applicant is also
8 responsible for documenting any required changes in the proposed
9 development due to conditions imposed by any applicable local, state, and
10 federal government agencies.
- 11 c. Construction shall not be authorized, nor may begin within twenty-one days
12 of the date of filing of the decision as defined in RCW 90.58.140(6).
- 13 d. A City of Mercer Island Building Permit may be required for construction
14 of the proposed development. The Building Official may require an
15 appropriate performance bond in an amount to be determined prior to
16 Building Permit issuance to ensure all required vegetation installation is
17 completed in compliance with applicable code requirements.
- 18 e. Construction of the proposed development shall only occur during approved
19 fish windows by local, state, and/or federal government agencies. The
20 applicant is responsible for obtaining permit approvals from all state and
21 federal agencies.
- 22 f. Construction of the proposed development shall only occur during approved
23 construction hours by the City of Mercer Island and/or as otherwise
24 restricted by the Building Official.
- 25 g. The applicant shall provide the Community Planning and Development
Department (CPD) with documentation of approval of the proposed
development from the U.S. Army Corps of Engineers and the Washington
Department of Fish and Wildlife. This documentation shall be received by
CPD prior to issuance of building permits for the proposed development.
- h. The applicant shall provide the City with development plans that reflect the
field verified location of the sewer lake line pre-construction prior to
building permit issuance. If the lakebed is being disturbed, please contact
Fish and Wildlife and the U.S. Army Corps of Engineers, as a permit may
be required. Please note: Field verification should be performed with due
care as the sewer lake line is pressurized in some locations and the pipe
material could be prone to damage.

1 The applicant shall provide development plans based upon a pre-
2 construction field survey locating the sewer lake line, and shall deliver the
3 results to the City in one of the formats listed below, ranked from top to
4 bottom, (i) being the top preferred method:

- 5 i. A hand-drawn or plotted as-built of the lake line location with
6 accurate distance measurements to multiple visible and permanent
7 reference points. Reference points can include dock corners,
8 utilities, structures, stairs, etc.
- 9 ii. A CAD file including the lake line and surveyed area in WGS-1984
10 or Washington State Plane North coordinate systems.
- 11 iii. A CAD file including the lake line and surveyed area in an assumed
12 coordinate system, including multiple visible and permanent
13 reference points.
- 14 iv. A list of coordinates denoting the lake line location, in WGS-1984
15 or Washington State Plane North coordinate systems.
- 16 v. If none of the above options are viable, the City will consider
17 reasonable efforts to provide field verification of the sewer lake line.
18 Possible constraints that may make field verification nonviable
19 includes, but is not limited to, the following: if the sewer pipe is too
20 deep to locate or if there are fish window constraints.

If a coordinate system is used, the survey must be performed using
high accuracy GPS or total station (half-foot accuracy). This
excludes cellphone or handheld GPS surveys.

- 21 i. The applicant shall inform the Mercer Island Maintenance Department at
22 (206) 275-7608 of the anticipated start date of in-water work prior to
23 commencement of construction.
- 24 j. Piles, floats, or other structures in direct contact with water shall not be
25 treated or coated with toxic substances harmful to the aquatic environment.
Chemical treatment of structures shall comply with all applicable state and
federal regulations. Any pollutants entering Lake Washington shall be
reported immediately to the Department of Ecology N.W. Regional Office:
(425) 649-7000 and the City of Mercer Island: (206) 275-7605.
- k. Construction or substantial progress toward construction of a development
for which a permit has been granted must be undertaken within two years
after the approval of the permit or the permit shall terminate. The code
official shall determine if substantial progress has been made. A single

1 extension before the end of the time limit, with prior notice to parties of
2 record, for up to one year, based on reasonable factors may be granted.

- 3 1. The mitigation, planting plan, nearshore habitat restoration plan, and
4 construction BMPs described in Exhibit 6 are required to be implemented
5 prior to final inspection of the building permit.

6 Dated this 6th day of February, 2026.



7 Phil Olbrechts
8 City of Mercer Island Hearing Examiner

9 **Appeal and Right of Revaluation**

10 This shoreline substantial development permit decision is final and subject to appeal to
11 the Washington State Shoreline Hearings Board as governed by Chapter 90.58 RCW.
12 The shoreline conditional use permit is subject to approval by the Washington State
13 Department of Ecology as governed by Chapter 90.58 RCW.

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

Appendix A

Mercer Island Beach Club Marina Reconfiguration and Replacement Project

SHL25-007 and SHL25-008

January 23, 2026 Hearing Transcript

Note: This is a computer-generated transcript provided for informational purposes only. The reader should not take this document as 100% accurate or take offense at errors created by the limitations of the programming in transcribing speech. For those in need of an accurate rendition of the hearing testimony, a hearing recording can be acquired at the City of Mercer Island Development Services Department.

Examiner Olbrechts (00:02):

Okay. All right. Good morning everybody. Welcome to our hearing today for a couple shoreline permits. This is for the Mercer Island Club Marina Reconfiguration Replacement Project, files number SHL25-007 and 008. My name is Phil Albrecht. I'm the hearing examiner for the city of Mercer Island. I'll be conducting the hearing today. Hearing format is pretty standard, not too complicated for anybody. It starts off with a presentation from staff, which I believe that's going to be Ms. Manahan, right? You're going to give us an overview of her staff report and her recommendation for approval. After staff's done making their presentation, we'll move on to the applicants. The applicants are not required to say anything, but my understanding is you have a presentation already to go. So looking forward to that. After staff and applicant comments, then we'll go down to the purpose of the hearing today, which is to hear from the public and anyone who wants to speak, of course, will have a chance to do that.

(00:59):

And once we get to that portion of the hearing, I'll explain how to make yourself heard at that point. Once we're done hearing from the public, we'll go back to Ms. Manahan to answer any questions that were raised, and she has a right to present rebuttal evidence to close off the record. And applicant as a matter of due process also gets final opportunity to present evidence and as rebuttal evidence and make any closing comments they wish. After all that's done, I get about 10 business days to issue a final decision for the city. Any of those of you out there who want to get a copy of that decision, be sure that Ms. Estrada has a copy of your email address. Ms. Estrada, how can people get their email address to you? Do you have an email address they should send that to or how's that done in Mercer Island?

Deb Estrada (01:47):

Yes, they can send it to me at deb, D-E-B.estrada, E-S-T-R-A-D-A at the city, excuse me, at mercerisland.gov.

Examiner Olbrechts (01:58):

Okay, sounds good. Thanks, Dan. And if any of you didn't catch that, you can call the planning department. I'm sure they'll let you know how to get that decision. I think you're entitled to a hard copy if you want, but of course it's easier on everybody if you'll take email service instead. Okay. Now by state law, I'm not allowed to talk to anybody about this project. All the information I have on it is from, at this point, the staff report and exhibits supporting that staff report that Ms. Manahan put together. That way, everyone who participates in this hearing knows exactly what information was used to come up

with a final decision. I don't have any background information from the applicants or staff. I'm not allowed by state law to talk to them about anything of substantive pertinence to this application. So going to share screen if I have that ability.

[\(02:44\)](#):

Yeah, there we go. Okay. So this should be the staff report. And let's see. Oh, we got the exhibits and Mercer I only put it on the first two pages of the staff report that Ms. Manahan put together. We've got the applications there, plan sets which depict how the project design is going to be laid out, the project narrative application for state permits. We've got a no net loss assessment. State law requires that these projects have no net loss on environmental resources. We got geotechnical review, the waiver reflection study. I know that was an issue that was of some concern to a couple neighbors, so they had an engineer put that together. Cultural resources and determination of completeness means the application was done. And we got some comment letters, of course, which I've read. And if you don't see your name on that list, let us know and we'll make sure to get your comments in there.

[\(03:38\)](#):

And we got comments from the Snoqualmie Tribe and I think Department of Ecology and so forth. And also the hydraulic project approval, that's another state permit that's required. So looks like a total of 22 exhibits so far. At this point, just want to ask if anyone needs to see any of these documents or has any objection to their entry in the record. Objection would be at this point based on pretty narrow ground that you don't find the documentation relevant to this proceeding or something that just isn't authentic. If you just disagree with its contents, those are comments you can make during the hearing. So if anyone has any problems with those documents, click on the raise hand button at the bottom of your screen. And I'm not seeing any takers there, so I'm going to go ahead and admit exhibits one through 22, as well as the staff report itself.

[\(04:24\)](#):

So all testimonies today will be taken under oath, and we're going to start off with Ms. Manahan. Ms. Manahan, if you could unmute yourself and raise your right hand. Do you swear or affirm to tell the truth, nothing but the truth in this proceeding?

Planner Grace Manahan [\(04:35\)](#):

I do.

Examiner Olbrechts [\(04:36\)](#):

Okay, great. Go ahead.

Planner Grace Manahan [\(04:39\)](#):

Hi, my name is Grace Manahan, a code compliance planner with the city of Mercer Island. I will be providing the staff recommendations and overview today. Just before I get started, I did want to point out an error that was found in the staff report. On page 20, under the conclusions of law for SHL 25-007, Mercer Island City Code 19.07.110, table B is cited, which should actually be Mercer Island City Code 19.13.050D. The information is correct, but it's just that code section is cited incorrectly. If there is any questions about that, I'm happy to answer them. Okay. Moving on to the proposed project, this is a request for a shoreline substantial development permit as well as a shoreline conditional use permit for the reconfiguration and expansion of an existing marina. The installation of a new wave attenuator and beach code on a property within the single family residential zone are 8.4.

[\(05:41\)](#):

The existing mortgage configuration can be found on sheet four of the plan set. It includes six docks labeled A through F. No work will occur on Pier E or F. Pier A is a combined swim and morge stock while appears A through D are mortgage docks only. The boat slip count after project completion will be the exact same as the current marina with addition of five jet ski lifts. The new configuration will push the boat merge further from the ordinary high watermark starting approximately 80 feet from the shore. The proposed reconfiguration can be found on sheet five of the plan set and will result in an increase in overwater coverage by 4,084.4 square feet. However, the overwater coverage within 30 feet of the ordinary high watermark will be reduced by 380 square feet. The use of graded decking will also reduce the overall shadowing of the new marina.

[\(06:35\)](#):

In addition to the removal of overwater coverage in nearshore, the proposal will remove 60 linear feet of rock and timber bulkhead and replace it with approximately 60 linear feet of beach just south of the swim area. There's currently a cedar log boom surrounding the swimming area at the south end of the marina, which is proposed to be replaced by a new wave attenuator in a similar location to provide protection for ecological function in the nearshore area as well as provide greater wave dissipation. The proposed development does require three separate land use applications, which are the shoreland substantial development permit for the work within the shoreline jurisdiction of the Washington. A shoreline conditional use permit for the reconstruction of the existing marina as required by the city shoreline master program and CEPA review for work within Lake Washington. The CEPA determination of non-significance for SEP 25-007 was issued by the city of Mercer Island on November 17th, 2025, and no appeals were received.

[\(07:44\)](#):

I did want to touch on some procedural requirements and key dates. Both applications were received in April. A notice of application went out on April 14, 2025. Six comments were received during that public comment period. A notice of public hearing was published December 15th, 2025, which was more than 30 days in advance of the hearing today. Beyond that, staff has reviewed the shoreline substantial development permit as well as shorland conditional use permit application for conformance with the shoreline standards in chapter 1913 of the Mercer Island City Code, the procedural requirements in chapter 1915 of the Mercer Land City Code, standards for marinas and mortgages found in WAC 332-30-139 and the review criteria for conditional use permits found in WAC 173-27-160. Based on the findings in the staff report, staff recommend that the hearing examiner recommends approval to the Washington State Department of Ecology subject to the conditions found on page 20, 21, 23, and 24 of the staff report for these two applications, SHL25-007 and SHL25-008.

[\(09:02\)](#):

Thank you, Mr. Hearing Examiner. If you have any questions, I'd be happy to answer that.

Examiner Olbrechts [\(09:06\)](#):

Sure. Yeah. Actually, it's about parking and that's kind of debatable whether that's part of a shoreline permit, but I was kind of curious why this didn't trigger any parking requirements. We have a few more jet ski bays. We're also replacing a pretty major significant part of the project. How does that fit in with the city's parking regulations?

Planner Grace Manahan [\(09:26\)](#):

Yeah, so I'll speak on this, and if the applicant has anything else you'd like to add, I'll open up to them as well. But because there's no new mortgages being proposed, the new jet ski lifts won't trigger any

growth in current membership of the beach club and therefore won't trigger any new parking requirements for the beach club.

Examiner Olbrechts ([09:47](#)):

I mean, do the city's parking standards have some threshold for that where replacing it of an existing use at some point triggers new parking standards? Because like I said, it sounds like there's more than 50% or something of the site that's being redeveloped, right? So I mean, how does that work? I just haven't looked at your parking standards, so I don't know off the top of my head.

Planner Grace Manahan ([10:15](#)):

Well,

Examiner Olbrechts ([10:16](#)):

I can look into it. Yeah, that's fine. Yeah, it'll be in the code itself.

Planner Grace Manahan ([10:21](#)):

A little further.

Examiner Olbrechts ([10:22](#)):

Okay. All right. And maybe during staff closing comments, that's fine. Bring that up. All right. Well, I mean, I had questions about the wave reflection study. I take it that's for probably better directed at the applicant, correct? Yeah. Okay. Okay. I'll do that then. All right. Move on to the applicant. Ms. Rogers, are you taking the lead on that one?

Nancy Rogers ([10:42](#)):

I am.

Examiner Olbrechts ([10:43](#)):

Okay. All right, great. Go ahead. Good morning.

Nancy Rogers ([10:47](#)):

Could we have the clerk bring up the applicant's presentation slide, just that one slide we sent in?

Deb Estrada ([10:58](#)):

Grace, do you have that document that you can share?

Nancy Rogers ([11:08](#)):

Yes, I do. One moment.

Speaker 6 ([11:24](#)):

And while she's pulling that up, I will also say that our position on parking stalls for the club is all driven by the club's membership, and the club's membership is not at all changing from these changes to the marina. So anyone who's got a jet ski there is going to be the same group of people who currently use

the club. So that increase in jet ski slips is not related to any kind of increase that would drive an increase in parking.

Examiner Olbrechts ([11:52](#)):

Okay, makes sense.

Examiner Olbrechts ([12:07](#)):

So Ms. Manahan, you're getting the applicant's presentation, is that right?

Planner Grace Manahan ([12:14](#)):

I am, and it should be there.

Examiner Olbrechts ([12:16](#)):

Oh, here it comes. All right, perfect. Okay, where's that?

Nancy Rogers ([12:21](#)):

Thank you. Okay. So I wanted to provide a big picture overview of the reasons for this project and the end goal. The Mercer Island Beach Club has been around since the 1950s. The marina is actually older than me, and it is wooden. It is old technology in terms of the marina world, and it is really structurally at the end of its life. You can see some of the photos on this presentation demonstrating some of the damage that has occurred over the years. The current design also obviously isn't in compliance with current city and state and federal regulations. And another big driver here for these changes is that boat dimensions have changed over time. And the current size of boats, and quite frankly, the limit, the upper limit on size of boats based on the size of a trailer you can use to take a boat onto a highway are now at that maximum.

([13:33](#)):

And so we need to increase the dimensions of the slips just slightly and have a different slip configuration in order to accommodate the current boats that are out there in our community and amongst our membership.

([13:49](#)):

And so with that, as our background, our proposal really is this new marina, a new design, single point of access in order to be compliant with fish and wildlife, with ecology, with the state agency regulations. We're going to replace all of the solid surface, classic old-fashioned wood dock surfaces with newer light penetrating decking. We're going to provide a safer design for the swimmers and boaters by separating what is currently a combined dock that allows the kids to access the swim area and also boaters to access boats and moorage on the same dock. We're going to separate those two so as to create a separation between those two uses, which will enhance and increase safety for all the users of the marina. As Ms. Manahan has indicated, the same number of boat slips is going to be in the new marina as in the current design, and as I've indicated earlier, and I think is also indicated in the staff report, there's no increase in the number of beach club members that is associated with this change.

([15:09](#)):

This is merely an upgrade of the marina facilities to continue serving the existing number of members in the Mercer Island Beach Club and to provide the ecological benefits that a new modern marina can provide as compared to the current situation. This project has been thoroughly reviewed by many

agencies for years, and we are super happy to be at this point in front of you today for a recommendation on both the shoreline substantial development permit and the shoreline conditional use permit. In fact, in terms of that review, you'll note that exhibit 22 in the record is the recently approved hydraulic project approval from the Washington State Department of Fish and Wildlife. That's not really discussed in the staff report because it came in a bit late later than the staff report preparation, not late. It's timely for in terms of the project, but it is there and I thought it was important that you know that that approval has been given.

[\(16:13\)](#):

We do have a number of our consultants available today should you have any questions for them. Those consultants include Brad Teal from Northwest Environmental. He's our biologist, prepared our non-net loss report. We have John Kaiser from P&D Engineers who prepared our wave energy analysis report. We have Paul Wilcox from Waterfront Construction, Waterfront Construction, obviously designed the new marina. We have Mary Ellen Russell from Russell Lambert Landscape Architects. Should you have any questions about the plantings that are associated with the redesign marina? We've Kyle Bozick from Pacific Engineering Technologies, and we have Ted Shepherd from Terra Associates, obviously the geotechnical engineer. We are here today in front of you in support of the city staff recommendation for both the shoreline substantial development permit and the shoreline conditional use permit. Just a side note, as I think you will have seen, the city combined those permit processes together, which is why the city staff report is proposing that you, Mr. Xander, make a recommendation to Ecology to recommend that ecology approve both the shoreline substantial development permit and the shoreline conditional use permit rather than having the city approve the substantial development permit and ecology approve the conditional use permit.

[\(17:45\)](#):

That's a little different than some things you might've seen, but I think it makes sense in this context given the city code provisions regarding consolidation of permits and consolidated permit review. So we are here again asking that you follow the staff report recommendation for approval. We're in agreement with the proposed staff recommended conditions as well. And with that, it sounds like you might have some questions for some of our experts about the log boom as the wave attenuator and how that impacts the waves. It is only that feature or of the marina structure that has been classified as a wave attenuator and as staff described in their staff report, the log boom as a wave attenuator is permitted under city code because it is there to protect the new ecological features that we are adding to the shoreline as part of the mitigation for the overall project.

[\(18:56\)](#):

You can stop sharing that slide if you'd like. Yeah, thank you. Great.

Examiner Olbrechts [\(19:00\)](#):

Okay. So yeah, if we could bring up the engineer, that'd be great. And then what was his name again?

Speaker 6 [\(19:04\)](#):

John Kaiser.

Examiner Olbrechts [\(19:05\)](#):

Oh, okay. All right. You there, Mr. Kaiser?

Speaker 6 [\(19:13\)](#):

I think he's going to have to be elevated from a participant to a panelist.

Deb Estrada ([19:18](#)):

One moment and I'll take care of that. Is it possible that Mr. Kaiser ... Mr. Kaiser, if you could raise your hand. Your name is not listed. However, there we are. Okay.

Examiner Olbrechts ([19:39](#)):

Oh, there he is. Okay, perfect. All right, Mr. Kaiser, and you've unmuted yourself. Good job. Let me swear you in first. Just raise your right hand. Do you swear or affirm to tell the truth, nothing but the truth in this proceeding?

Speaker 5 ([19:49](#)):

I do.

Examiner Olbrechts ([19:50](#)):

Okay, great. And all right. Oh, and we got your ... I think we're getting your video. Hold on a second. I had you on my ... Oh, there you are. Okay. And are you aware your video's not on? I don't think it's necessary, but it's ... Yeah, I mean, your camera should be at the bottom left of your screen, and if there's a red line through it, if you click on that, your video should turn on. If you have a camera-

Speaker 5 ([20:13](#)):

Audio. Oh,

Examiner Olbrechts ([20:15](#)):

Okay. That's fine.

Speaker 5 ([20:17](#)):

To turn the camera on.

Examiner Olbrechts ([20:18](#)):

Okay. I

John Kaiser ([20:19](#)):

Can see myself.

Examiner Olbrechts ([20:20](#)):

Yeah, that's fine. Yeah, that's perfectly okay. All right. So yeah, this is just a couple questions. One is kind of basic physics. The last time I took an engineering physics course was in 1982, so my memory's a little vague on that. But from what I recall, when you're talking about wave energy, it's attributable to both wave heights as well as wave length. And is that correct? Because your study just kind of discussed wave height, so I'm kind of curious if wavelength is an added factor as well.

John Kaiser ([20:51](#)):

We discussed wave period, which is wave length. That's a distance between the peaks. So it's the same thing. They're all tied together, wave period and wave height.

Examiner Olbrechts (21:01):

Oh, okay. Because when I was looking at the table in your study, it showed how, I thought what the wave height was at various observation points. So that's wave period instead, is that correct?

John Kaiser (21:12):

No, that's wave height. Okay. But those are two parameters that are put in the model and the wave height.

Examiner Olbrechts (21:21):

Okay. And so on the wave height data, I mean, there were a couple places where the height was like 0.01 higher or something, obviously a less than 1% increase. I mean, I mean, this may be outside of your field, but is that really considered negligible in terms of erosion impact? So over time, that 0.01's not going to make any difference. Is that the conclusion we should reach from that data? Mr. Kaiser, are you there? Did I lose you? Yeah, Mr. Kaiser, you're muted again.

Speaker 5 (22:03):

Ah.

Examiner Olbrechts (22:04):

There you go. You're back. Okay. Yeah. Yeah. Yeah. So we didn't hear any response. So if you could start over again.

John Kaiser (22:13):

I'm sorry. What was the question again?

Examiner Olbrechts (22:15):

Oh, it was simply, I noted, I saw in the table for wave height that a couple observation points, I think it was like 0.01 higher or something. And I'm just wondering, like I said, I don't know if this is in the scope of your expertise, but is that difference still considered negligible enough to conclude that it's not going to have any material impact on erosion over the long term?

John Kaiser (22:37):

Correct. I would consider that as negligible change in the wave height. Okay. I believe it would be within the parameters of the design. It's negligent.

Examiner Olbrechts (22:51):

Okay. Okay. So almost nothing. All right, that's all I had. Yeah, pretty simple, basic question. Thank you, sir. Appreciate your input on that. All right. Okay. Ms. Rogers, anything else?

Nancy Rogers (23:01):

Nothing at this time. Happy to talk in rebuttal should public hearing. Okay.

Examiner Olbrechts ([23:06](#)):

All right, we'll get to that. Okay. Well, I guess now we can move on to the public that presentations have been mercifully short so far. Sometimes we can spend an hour just before we get to the public portion. So those who want to say something today, consider yourself a little lucky there. So if anybody wants to speak, just go ahead and click that raise hand button at the bottom of your screen. Some zone or Zoom applications instead of a raise hand button these days, they have just a heart at the bottom of your screen. If that's what you have, just click on the heart and then a menu will come up with a raise hand button. So either way, because I'm not seeing any takers for comment. And I did read all your comments and I will be responding to that in the decision that I issue.

([23:49](#)):

So all right, last call. Ms. Estrada, do you see anyone who wants to say anything? They're making it too easy on us. All right. Well, if- I

Deb Estrada ([23:58](#)):

Haven't seen anybody in either the attendees or the panelists.

Examiner Olbrechts ([24:01](#)):

Okay, very good. All right. Well, if any of you for whatever reason can't get that raise hand button to work, go ahead and send an email to Ms. Estrada. Just get it to her by 50 PM tomorrow and just identify you were unable for technical reasons to figure out how to be heard today and I'll let your comments come in. And of course, I'll give the applicant and staff a chance to respond, but that's only if you were unable to be heard today because of technical reasons. So I guess with that, back to Ms. Manahan, any comments you wanted to make in response to staff comments?

Planner Grace Manahan ([24:35](#)):

Yes. Just one note on the parking requirements and going back to that question initially asked, a transportation concurrency review was not required for this project per our code MICC 19.20.030, just due to there not being a proposed there being no new net truck to propose and membership numbers staying the same. And so that's why there was no parking review or transportation concurrency review done for this project.

Examiner Olbrechts ([25:10](#)):

Oh, okay. And there were some comments too about the parking signs being too small or something. Has staff looked into that? Do you have any response to that?

Planner Grace Manahan ([25:20](#)):

I looked into it initially when that comment came in. Those signs are located in the public right of way. And so if the beach club did want to pursue maybe some safety initiatives or something with the public utility staff or a department in the city, that could be a path forward. But as it is not located onsite, it didn't seem extremely relevant to the concern of the project at hand.

Examiner Olbrechts ([25:44](#)):

Okay. All right. Sounds good. All right, Ms. Rogers, you get final word there?

Nancy Rogers ([25:51](#)):

Obviously concur with Ms. Manahan's discussion of parking on both onsite and offsite. We are in compliance with the standards that we need to meet. And again, nothing about this marina is changing any of the operational factors related to parking. Oh,

Examiner Olbrechts ([26:09](#)):

Okay. Okay, great. All right. Yeah, interesting. Well, it's kind of funny you were talking about a recommendations versus a final decision. I mean, it's kind of semantics. I've always thought it was when you're dealing with conditional use permit that I issue a final decision and then DOE has to come up with the final decision agreeing with that. But same effect either way, I think ultimately. Although what I didn't realize was kind of interesting is that, because obviously I know all about consolidation at the local level. I didn't realize that would also be consolidated up for the DOE review as well. So that's an interesting ... I have to look at that real quick. I'm sure you're right. I just, like I said, it doesn't come up too often. But either way, this is Department of Ecology ultimately has to at least approve the conditional use permit and probably the shoreline substantial development permit as well.

([26:56](#)):

So this is just a second to last step for the applicant on the shoreline permit. So looks like you're heading to the end of a long journey there. And I think that all the primary impacts have been well addressed. I was really happy to see that wave study. When I saw the public concern about that, the first thing that came to mind is we need to look into this and it did get looked into. So that's perfect. I'm glad that that was taken care of. I'm sure that's a bit of a relief for the neighbors as well. So should be a fairly straightforward approval. And like I said, that'll get kicked up to Department of Ecology. So anyway, thanks all for participating today. Have a great weekend and we're adjourned. See you next time.

Nancy Rogers ([27:35](#)):

Bye-bye.