Shoreline Permit Requirements

All development within the Shoreline District of the City must be consistent with the policies of the Shoreline Management Act and the City’s Shoreline Management Master Program. Full provisions of this program can be found in the Mercer Island Unified Land Development Code, Chapter 19.07, and the Comprehensive Plan.

SHORELINE DEVELOPMENT SUMMARY:

A Shoreline Exemption Permit is required if you plan to locate a structure or perform other specific activities (e.g. dredging, grading, filling, pile driving, installing a boat ramp, pier, bulkhead, etc.) in the Shoreline Jurisdiction.

A Substantial Development Permit is required for any development within the Shoreline Jurisdiction that is not covered under a Categorical Exemption or Shoreline Exemption Permit.

The Shoreline Jurisdiction is an area that covers Lake Washington and 200 feet landward of the ordinary high water line.

Figure 1: Illustration of Shoreline Jurisdiction

A Building, Grading, or Stormwater Permit will be required after a Shoreline Permit is issued.
SHORELINE DEVELOPMENT EXEMPTIONS:

Under the Shoreline Management Act, certain types of development are exempt from the Substantial Development Permit process. However, even if the applicant is granted an exemption, the shoreline development activity still must be carried out in compliance with the Shoreline Management Act and the City’s Shoreline Management Master Program.

Per MICC 19.07.110 (C)(2)(a), Shoreline Exemption Permits are commonly granted for:

- Any development that costs less than $5,000 which does not materially interfere with normal public use of the water. A SEPA Checklist and/or biological assessments may be required.

- Normal maintenance or repair of existing structures or developments even if the cost exceeds $5,000, including damage by accident, fire or elements. “Normal maintenance” includes those usual acts established to prevent a decline, lapse, or cessation from a lawfully established condition. “Normal repair” means to restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction except where repair involves total replacement which is not common practice or causes substantial adverse effects to the shoreline resource or environment. A SEPA Checklist is not required, but biological assessments may be required.

- Construction of the normal protective bulkhead common to single-family dwellings. Where an existing bulkhead is being replaced, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. A SEPA Checklist and biological assessment are required.

- Construction of a dock designed for pleasure craft which cost does not exceed $10,000. A SEPA Checklist and biological assessment are required.

- Emergency construction necessary to protect property from damage by the elements. An “emergency” is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with this section. No SEPA Checklist or biological assessment is required.

- Construction or modification of navigational aids such as channel markers and anchor buoys. A SEPA Checklist and/or biological assessments may be required.

- Construction of a single family dock, the cost of which does not exceed $10,000. A SEPA Checklist and biological assessment are required.

- Homeowner’s construction of a single family residence and accessory structures for his/her use. No SEPA Checklist is required, but a biological assessment may be required. An affidavit of your exemption from the permit process must be submitted to the City. The affidavits are available upon request from the Development Services Group.

- Any project with a certification from the governor pursuant to Chapter 80.50 RCW. A SEPA Checklist and/or biological assessments may be required.
SUBSTANTIAL SHORELINE DEVELOPMENT REQUIREMENTS:

The following projects require a Substantial Shoreline Development permit:

- **Any development in Lake Washington that is not exempt. A SEPA Checklist and biological assessment are required.**

- **Speculative construction of a single family home. No SEPA Checklist or biological assessment is required.**

- **Any filling and/or grading over 250 cu. yards, outside the building footprint. A SEPA Checklist is required as well as a Site Restoration and Erosion Control plan.**

In addition to completing the Shoreline Substantial Development Permit, the applicant must satisfy:

- **State Environmental Policy Act (SEPA) requirements, as applicable.**

- **Applicable federal and state regulations. Typical permits required for shoreline development on Lake Washington include Hydraulic Project Approval (HPA) from the Washington State Department of Fisheries, a Section 10/404 permit from the U.S. Army Corps of Engineers, and Section 401 Water Quality Certification from the Washington State Department of Ecology, as per the federal Clean Water Act.**

- **Dimensional requirements, as outlined in the Mercer Island Unified Land Development Code, Shoreline Management Master Program and illustrated in Figure 2 of this guideline.**

- **A pre-application meeting with City staff must be held prior to submittal of a Substantial Development Permit application.**

**Note:** Some projects may require only a Determination of Nonsignificance (DNS); others may require an environmental impact statement (EIS). Completion of a SEPA Environmental Checklist is required before the City makes a decision on a permit application. The Endangered Species Act (ESA) from the National Marine Fisheries Service (NMFS) requires all applicants for all shoreline and watercourse development to pay for an outside biological assessment review.
## Substantial Shoreline Development Requirements:

<table>
<thead>
<tr>
<th>SHORELINE USE*</th>
<th>Conservancy Environment</th>
<th>Urban Park Environment</th>
<th>Urban Residential Environment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single family residential and associated appurtenances</td>
<td>NP</td>
<td>NP</td>
<td>CE or SDP if the construction is not by an owner, lessee or contract purchaser for his/her own use or if alteration applies.</td>
</tr>
<tr>
<td>Multifamily residential</td>
<td>NP</td>
<td>NP</td>
<td>SDP, SEPA</td>
</tr>
<tr>
<td>Public and private recreational facilities and parks</td>
<td>SDP, SEPA</td>
<td>SDP, SEPA</td>
<td>SDP, SEPA</td>
</tr>
<tr>
<td>Moorage facilities (including piers, docks, piles, lift stations, or buoys)</td>
<td>SDP, SEPA</td>
<td>SDP, SEPA</td>
<td>SDP, SEPA</td>
</tr>
<tr>
<td>Commercial marinas, moorage and storage of commercial boats and ships</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Bulkheads and shoreline protective structures</td>
<td>SDP, SEPA</td>
<td>SDP, SEPA</td>
<td>SEP, SEPA</td>
</tr>
<tr>
<td>Breakwaters and jetties</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Utilities</td>
<td>SDP, SEPA</td>
<td>SDP, SEPA</td>
<td>CE, SEP or SDP, SEPA</td>
</tr>
<tr>
<td>Dredging</td>
<td>SDP, SEPA</td>
<td>SDP, SEPA</td>
<td>SDP, SEPA</td>
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<tr>
<td>Alterations over 250 cubic yards (outside the building footprint)</td>
<td>SDP, SEPA</td>
<td>SDP, SEPA</td>
<td>SDP, SEPA</td>
</tr>
</tbody>
</table>

### Key:
- NP – NOT A PERMITTED USE
- CE – CATEGORICALLY EXEMPT
- SEP – SHORELINE EXEMPTION PERMIT
- SDP – SUBSTANTIAL DEVELOPMENT PERMIT
- SEPA – REQUIRED REVIEW UNDER THE STATE ENVIRONMENTAL POLICY ACT (SEPA CHECKLIST)

*If a use is not listed in this matrix, it is not permitted.*
APPLICATION MATERIALS:

The City requires that you submit the following materials and information for a shoreline permit:

1. **Filing Fees**: Shoreline Exemption
   - Permit Revision
   - Semi-private recreation tract—modification
   - Semi-private recreation tract—new
   - Substantial Development Permit
   See current permit fee schedule

2. **Other Fees**: SEPA Checklist—residential
   - SEPA Checklist—non-residential
   - Environmental Impact Statement
   - $200 Sign Deposit (refundable)
   See current permit fee schedule

3. **Completed Development Application form**
4. **Vicinity map (1 copy)**
5. **Site plan (1 copy). The site plan must show:**
   - A. Title block with applicant’s name, number of the sheet, date the drawing was prepared, and agent’s name (if applicable) on all plans
   - B. Graphic scale and North arrow on all plans
   - C. Property boundaries and dimensions
   - D. Existing shoreline (ordinary high water line)
   - E. Principal dimensions of existing and proposed structures
   - F. Distances between proposed structures(s) and property lines.
   - G. Distances between proposed structure(s) and existing structures located on adjacent properties along Lake Washington
   - H. Names of adjacent waterfront property owners
   - I. Location of utility lines in Lake Washington

6. **Elevations and/or sections (1 copy). The elevations must show:**
   - A. Water depth around the project
   - B. Principal dimensions of existing and proposed structures

7. **Photographs of the existing structures**
SHORELINE PERMIT DIMENSIONAL REQUIREMENTS:

Figure 2: Example of dimensional requirements for structures within shoreline jurisdiction [MICC 19.07.110(D)]

This guideline is intended for informational use only. It cannot be used as a substitute for the Mercer Island City Zoning Code. For more information about the regulations that may apply to your project, please consult with the Development Services Group staff at (206) 275-7605.