



COMMUNITY PLANNING & DEVELOPMENT

206.275.7605

www.mercerisland.gov/cpd

CITY USE ONLY

PROJECT NO.	RECEIPT NO.	FEE
Date Received:		
Received By:		

SHORELINE VARIANCE

A Shoreline Variance Permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the city's shoreline master program (SMP), MICC 19.13, where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW [90.58.020](#).

If construction authorization is required, separate permits must be obtained.

REVIEW PROCESS – TYPE IV LAND USE REVIEW

Type IV reviews require discretion and may be actions of broad public interest. Decisions on Type IV reviews are only taken after an open record public hearing. Type IV reviews require a pre-application meeting, letter of complete application, notice of application mailing and posting, a 30-day public comment period, public hearing, notice of decision, and the decision is made by the Hearing Examiner, or in some cases, Ecology.

The applicant shall not begin construction until after 21 days from the date of filing with the department of ecology and Attorney General and/or any appeals are concluded. The applicant shall also comply with all applicable federal, state and city standards for construction.

The final decision in approving, approving with conditions, or denying a shoreline conditional use permit or shoreline variance is rendered by the department of ecology in accordance with [WAC 173-27-200](#), and all other applicable local, state, or federal laws. The city shall send the shoreline permit and documentation of final local decision to the applicant, the department of ecology, the Washington State Attorney General and to all other applicable local, state, or federal agencies. The decision shall be sent to the department of ecology by return receipt requested mail or as regulated by [WAC 173-27-130](#).

SUBMITTAL CHECKLIST

In addition to the items listed below, the code official may require the submission of any documentation reasonably necessary for review and approval of the land use application. An applicant for a land use approval and/or development proposal shall demonstrate that the proposed development complies with the applicable regulations and decision criteria.

- ☐ 1. **Development Application Form.** Provide a completed and signed [Development Application Form](#).
- ☐ 2. **Pre-Application Meeting.** [Pre-Application Meetings](#) are required for Type III & IV Land Use Permit Applications.
- ☐ 3. **Project Narrative.** The project narrative should describe the proposed development, including any anticipated phases.
- ☐ 4. **Code Compliance Matrix.** Detail how the application meets the review criteria for the proposed shoreline use in [MICC 19.13.050](#). Refer to the [Code Compliance Matrix Tip Sheet](#) for preparing the narrative.

The Criteria Compliance Narrative must also include detailed demonstration that the proposed use complies with the criteria for variance permits in [WAC 173-27-170](#), and an analysis of the proposal against the specific development standards for which the variance is requested.

- ☐ 5. **Title Report.** Less than 30 days old. Required unless waived by the code official.
- ☐ 6. **Affidavit of Ownership.** An Affidavit of Ownership, signed before a notary. Required only if the Title Report does not clearly show ownership or authority to develop the property. Required unless waived by the code official.
- ☐ 7. **Affidavit of Agent Authority.** An Affidavit of Agent Authority, signed before a notary. Required unless waived by the code official.
- ☐ 8. **Development Plan Set.** Refer to the [Land Use Application Plan Set Guide](#) for preparing plans. In addition to the proposed scope of work, the development plan set must also include:
 - Existing vegetation and trees within 50 feet of the Ordinary High Water Mark;
 - Existing structures and flatwork within 50 feet of the Ordinary High Water Mark including but not limited to: patios, walkways, retaining walls, bulkheads, stairs, etc.;
 - Lateral lines and setbacks;
 - 0-25 feet and 25-50 feet shoreline areas and percentages of hardscape and lot coverage in each area;
 - Shoreline Planting Plan. If required by the SMP.
- ☐ 9. **JARPA Form.**
- ☐ 10. **Critical Areas Study(s).** Critical areas studies prepared by a qualified professional, if the site is constrained by a critical area and if the proposed scope of work results in an alteration to a critical area. A separate Critical Area Review 2 permit may be required.
- ☐ 11. **No Net Loss Report.** A report prepared by a qualified professional demonstrating the proposal will not result in a net loss of ecological function per [MICC 19.13.020\(C\)](#), unless waived by the code official.
- ☐ 12. **SEPA Checklist.** A SEPA Checklist and separate SEPA Review permit is required unless the project is categorically exempt per the criteria in [WAC 197-11-800](#).
- ☐ 13. **Sewer Lake Line Affidavit.** When the proposed work will alter the lakebed, a sewer lake line affidavit is required. The sewer lake line location must be shown and labeled on the plans. The label should include how the line was located and the date.
- ☐ 14. **Optional: Concurrent Review Form.** Provide a completed [Concurrent Review Form](#) if consolidated review for two or more land use applications is requested. Refer to [MICC 19.15.030\(F\)](#) for land use application reviews that may be consolidated.
- ☐ 15. **Fees.** Payment of required fees. Refer to the City of Mercer Island [Fee Schedule](#) for current permit fees.

I HEREBY CERTIFY THAT I HAVE READ THIS APPLICATION AND SUBMITTAL CHECKLIST AND ALL REQUIRED APPLICATION MATERIALS ARE INCLUDED IN MY APPLICATION SUBMITTAL, UNLESS WAIVED BY THE CODE OFFICIAL. ALL INFORMATION SUBMITTED IS TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE. I ACKNOWLEDGE THAT WILLFUL MISREPRESENTATION OF INFORMATION WILL TERMINATE THIS APPLICATION. I UNDERSTAND THAT MY SUBMITTAL WILL BE REVIEWED FOR COMPLETENESS AND, IF FOUND TO BE COMPLETE, WILL BE PROCESSED PURSUANT TO THE PROVISIONS OF CHAPTER 19.15 MICC.

SIGNATURE

DATE