TO: **City of Mercer Island**
Community Planning and Development
9611 SE 36th St
Mercer Island, WA 98040

FROM: **N5 Architecture**
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DATE: **September 17, 2025**

PROJECT #: **2501-218**

SITE ADDRESS: **5236 W Mercer Way**

REGARDING: **Wetland Buffer Averaging Criteria Response**

To Whom It May Concern.

The project anticipates using Buffer Averaging to allow for limited intrusion into the 40' wetland buffer. The following demonstrates required mitigation sequencing required:

19.07.190.C.5 – Buffer Averaging
Buffer width averaging shall be allowed provided the following requirements are met:

a. The applicant has demonstrated how impacts have been avoided consistent with section 19.07.100, mitigation sequencing:

19.07.100 – Mitigation Sequencing:

19.07.100.A:
Avoiding the impact altogether

Response:
The project has been relocated north to accommodate the 40' buffer to the greatest extent feasible. The structure is no longer within the buffer however the 10' structure setback cannot be met. The project is utilizing the shoring that was installed under the previous permit and adding new shoring to the north. While it may be feasible to add additional shoring to push the project further east there are many challenges including equipment access, impacts on previously installed shoring (i.e. new loads above existing shoring that were not anticipated), prohibitive cost of shoring, and additional excavation and shoring into a well vegetated relatively steep slope which is preferred to leave in its current state.

19.07.100.B:
Setback Deviation pursuant to 19.06.110(C)

1. *Purpose.* The purpose of a setback deviation is to increase protection of a critical area or critical area buffer. A setback deviation provides flexibility in designing a development proposal to allow for increased protection of critical areas or critical area buffer.

2. *Criteria.* A setback deviation shall be granted by the city only if the applicant demonstrates all of the following:

a. No use deviation shall be allowed;

Response:
No use deviation proposed

b. The granting of the deviation will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the property is situated;
Response:
The existing dwelling at 5228 W Mercer is approximately 40' north of the subject property north property line and the dwelling located at 5230, which is well west of the subject dwelling is +/-6' from the subject property north property line. A +/-3' side yard reduction has no impact on the adjacent dwelling.

c. The granting of the deviation will not alter the character of the neighborhood, nor impair the appropriate use or development of adjacent property;

Response:
The dwelling directly to the north is +/-40' from the property line. The site is heavily wooded. A +/-3' setback deviation will be difficult to decipher.

d. The deviation is consistent with the policies and provisions of the comprehensive plan and the development code;

Response:
It is. The development code specifically allows for this deviation to allow development outside of environmentally critical areas.

e. The basis for requesting the deviation is not the direct result of a past action by the current or prior property owner;

Response:
It is not. While legal grading and shoring took place under a previously expired permit when the buffer was 30'. The deviation request is to allow for the current 40' wetland buffer and structure setback adjacent to the wetland.

f. The setback deviation is associated with the approval of development of a single lot or subdivision that is constrained by critical areas or critical area buffers;

Response:
This is the case.

g. The building pad resulting from the proposed deviation will result in less impact to critical areas or critical area buffers; and

Response:
It will as it minimizes disruption into the wetland setback via buffer averaging to accommodate the additional 10' structure setback from the 40' buffer.

h. Yard setbacks shall not be reduced below the following minimums:

i. Front and rear setbacks may not be reduced to less than ten feet each;

Response:
No reduction required for front and rear setbacks.

ii. Side setbacks may not be reduced to less than five feet.

Response:
The proposed reduction is 3' for a side setback of 7'-0"

19.07.100.C:
Rectifying the impact by repairing, rehabilitating or restoring the affected environment:

Response:
The wetland and buffer will be completely revegetated. Additionally, wetland creation/enhancement will be provided at a 2:1 ratio.

19.07.100.D:
Reducing or eliminating the impact over time by preserving and maintenance operations during the life of the action;

Response:
The wetland is not only being preserved it is being enhanced with new vegetation and additional wetland creatin at a 2:1 ratio. New vegetation will be monitored for health and invasive species removed as necessary.

19.07.100.E:
Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or:

Response:
The wetland and buffer will be completely revegetated. Additionally, wetland creation/enhancement will be provided at a 2:1 ratio.

19.07.100.F:
Monitoring the impact and taking appropriate corrective measures to maintain the integrity of compensating measures.

Response:
The previous builder has created larger impacts to the site and wetland area and the current plan will correct these areas and the new plan will revegetate the wetland and new creation/enhancement area at a 2:1 ratio.

19.07.190.C.5 – Buffer Averaging
Buffer width averaging shall be allowed provided the following requirements are met:

b. The applicant has demonstrated how all proposed impacts have been mitigated consistent with subsection E of this section and will not result in a loss of ecological function:

19.07.190.E – Mitigation Requirements
Mitigation shall meet the following requirements:

19.07.190.E.1
Mitigation for alterations shall only be used for impacts that cannot be avoided or minimized:

Response:
AS outlined above under 19.07.100A the dwelling has been moved north to the greatest extent feasible. The creation/enhancement area is being provided at a 2:1 ration for the buffer areas being averaged.

19.07.190.E.2
Mitigation for alterations shall achieve equivalent or greater function:

Response:
The entire wetland will be revegetated, and the creation/enhancement area is being provided at a 2:1 ratio and will also be revegetated.

19.07.190.E.3
No net loss. Wetland mitigation actions shall not result in a net loss of wetland area.

Response:
The creation/enhancement area is being provided at a 2:1 ratio, will be revegetated and the greater area will exceed the current wetland buffer area.

19.07.190.E.4
Mitigation actions shall be in kind and conducted within the sub-basin and on the same site as the alterations:

Response:
The creation/enhancement area is provided on site and within the same sub-basin.

19.07.190.E.5
Mitigation Ratios:

Response:
The wetland is category IV and is meeting the 2:1 Creation and Enhancement requirements.

19.07.190.E.7
Preference of Mitigation actions

Response:
The wetland will restore the existing wetland, minus the buffer averaging areas, create new wetland area at a 2:1 ratio. Both areas are enhanced with new vegetation and these areas are to be preserved as wetland buffer areas.

19.07.190.C.5 – Buffer Averaging
Buffer width averaging shall be allowed provided the following requirements are met:

d. The proposed buffer width is not less than 75% of the standard buffer width at any point, and

Response:
The areas averaged do not exceed the 75% requirement or 30' minimum buffer depth.

19.07.190.C.5 – Buffer Averaging
Buffer width averaging shall be allowed provided the following requirements are met:

e. The total area of the buffer is equal to the area required without averaging.

Response:
The creation/enhancement area is provided at a 2:1 ratio thus increasing the total buffer area above the existing buffer without averaging.