

October 1, 2018

Studio 19 Architects  
Attn: Steven M. Long  
207½ 1<sup>st</sup> Ave S #300  
Seattle, Washington 98104

**RE: Applicant's Response to 9.4.18 City of Mercer Island Request for Information 2 (CAO17-007)**

The intent of this letter is to formally respond to the City's request for additional information described in the 9.4.18 review letter titled *Re: CAO17-007 (Critical Area Determination for 4634 E Mercer Way) Request for Information 2*

The following narrative describes revisions made to the originally submitted report titled *Critical Area Study for Four Season Homes, LLC – 4634 E Mercer Way SFR* (Author: Wetland Resources, Inc., date: 7.3.18). The narrative re-states all critical area review comments from the 9.4.18 letter. Text from the letter (bold, indented) is immediately followed by the applicant's response (normal font, justified).

- 1. The Critical Areas Study dated July 3, 2018 describes the impacts associated with the proposed stormwater pipe laid on the surface of the utility easement, concluding that any critical areas buffer impacts of this design would be minimal. The study needs to be revised to address the code criteria pertaining to new utility facilities, including demonstration that the facility is designed and located to avoid, minimize, and mitigate impacts to critical areas consistent with best available science (MICC 19.07.030(A)(7)). Note that "mitigation" is defined in the City's code as:**
- a. Avoiding the impact by not taking a certain action;**
  - b. Minimizing the impact by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impact;**
  - c. Rectifying the impact by repairing, rehabilitating or restoring the affected critical area;**
  - d. Minimizing or eliminating the impact over time by preservation or maintenance operation;**
  - e. Compensating for the impact by replacing, enhancing or providing substitute critical areas;**

**The revised CAS needs to describe how each step was evaluated and addressed, and how this evaluation resulted in the proposed stormwater design. Please also describe how potentially less impactful alternatives, such as discharging stormwater at the watercourse buffer edge, were rejected based on an analysis of the above.**

Response: The revised CAS demonstrates compliance with mitigation sequencing provisions of the MICC (specifically related to new utility facilities). This discussion appears on page 2 of the CAS, under section 2.2 - *MICC Critical Areas Compliance*.

**The Critical Area Study states that the proposed pipe will cross the watercourse on site. Note that development on lands covered by water would cause the proposed scope of work to no longer be exempt from SEPA review. If the proposed stormwater system design after an evaluation of the steps listed above is still proposed to cross lands covered by water, then please apply for SEPA review.**

Response: The proposed pipe must travel within the existing easement, and therefore must cross the watercourse. A SEPA checklist has been prepared in support of this project.

**3. The Critical Areas Study says no shoreline permit is anticipated to be needed. Please indicate under which exemption in WAC 173-27-040 the proposed scope of work would fall in the revised Critical Areas Study.**

Response: Proposed work within shoreline jurisdiction is limited to the stormwater conveyance plan. This work is considered a normal appurtenance to the development of the single-family residence, as defined by WAC 173-27-040. This project is exempt from shoreline substantial development permit requirements, based on plain language set forth in WAC 173-27-040(2)(g), as follows:

*Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all the requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to chapter 90.58 RCW. "Single-family residence" means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. On a statewide basis, normal appurtenances include a garage; deck; driveway; utilities; fences; installation of a septic tank and drainfield and grading which does not exceed two hundred fifty cubic yards and which does not involve placement or fill in any wetland or waterward of the ordinary high water mark. Local circumstances may dictate additional interpretations of normal appurtenances which shall be set forth and regulated within the applicable master program. Construction authorized under this exemption shall be located landward of the ordinary high water mark;*

The revised Critical Area Study includes a shoreline substantial development exemption narrative that describes WAC exemption criteria and plan compliance. This discussion appears on page 2 of the revised CAS.

**4. In the resubmittal for CAO17-007, please include the revised geotechnical report requested in the corrections for permit #1507-166REV.**

Response: The revised geotechnical report is provided as an enclosure to this letter.

Please feel free to call the Wetland Resources, Inc. office with any questions at (425) 337-3174.

*Wetland Resources, Inc.*

A handwritten signature in black ink, appearing to read "Niels Pedersen", with a long, sweeping horizontal flourish at the end.

Niels Pedersen  
*Senior Wetland Ecologist*

Enclosures:

Revision 1 Critical Area Study for Four Season Homes, LLC – 4634 E Mercer Way SFR  
(author: Wetland Resources, Inc., date: 10.1.18)

Geotechnical Engineering Study (Revised) Proposed Development 4634 E Mercer Way, Mercer Island, WA (author: PanGEO, Inc, date: 9/11/2018).

City of Mercer Island SEPA Checklist

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