

CRITERIA COMPLIANCE NARRATIVE

PREPARED FOR PERMIT CAO24-036

Prepared with references to the Critical Area Study prepared by Geotech Consultants, INC. – responses to MICC sections are in blue.

19.07.090 - Critical area reviews.

B. Critical area review 2.

1. The purpose of a critical area review 2 is to review critical area studies and mitigation plans in support of proposed buffer averaging and reduction of wetland and watercourse buffers.

2. Review timing and sequence.

a. When development and/or activity within a wetland, watercourse, fish and wildlife habitat conservation area or buffer associated with these critical area types is proposed, a critical area review 2 is required to be reviewed and approved prior to construction authorization.

b. When development and/or activity is proposed on a site containing only geologically hazardous areas, an applicant has the option of either:

i. Applying for a critical area review 2 in advance of construction permits, using the procedures required for a Type 3 land use review; or

We are applying for a critical area review 2 in advance of construction permits

19.07.160 - Geologically hazardous areas.

B. General review requirements. Alteration within geologically hazardous areas or associated buffers is required to meet the standards in this section, unless the scope of work is exempt pursuant to section 19.07.120, exemptions, or a critical area review 1 approval has been obtained pursuant to section 19.07.090(A).

1. When an alteration within a landslide hazard area, seismic hazard area or buffer associated with those hazards is proposed, the applicant must submit a critical area study concluding that the proposal can effectively mitigate risks of the hazard. The study shall recommend appropriate design and development measures to mitigate such hazards. The code official may waive the requirement for a critical area study and the requirements of subsections (B)(2) and (B)(3) of this section when he or she determines that the proposed

development is minor in nature and will not increase the risk of landslide, erosion, or harm from seismic activity, or that the development site does not meet the definition of a geologically hazardous area.

A critical area study has been created by Geotech Consultants, Inc. and included in our permit submittal.

2. Alteration of landslide hazard areas and seismic hazard areas and associated buffers may occur if the critical area study documents find that the proposed alteration:

- a. Will not adversely impact other critical areas;
- b. Will not adversely impact the subject property or adjacent properties;
- c. Will mitigate impacts to the geologically hazardous area consistent with best available science to the maximum extent reasonably possible such that the site is determined to be safe; and
- d. Includes the landscaping of all disturbed areas outside of building footprints and installation of hardscape prior to final inspection.

The critical area study submitted found that the proposed project will not adversely impact other critical areas, the subject property or adjacent properties and that the project will mitigate impacts to geologically hazardous areas. The critical area study covers all landscaping and hardscape areas.

3. Alteration of landslide hazard areas, seismic hazard areas and associated buffers may occur if the conditions listed in subsection (B)(2) of this section are satisfied and the geotechnical professional provides a statement of risk matching one of the following:

- a. An evaluation of site-specific subsurface conditions demonstrates that the proposed development is not located in a landslide hazard area or seismic hazard area;
- b. The landslide hazard area or seismic hazard area will be modified or the development has been designed so that the risk to the site and adjacent property is eliminated or mitigated such that the site is determined to be safe;
- c. Construction practices are proposed for alteration that would render the development as safe as if it were not located in a geologically hazardous area and do not adversely impact adjacent properties; or
- d. The development is so minor as not to pose a threat to the public health, safety and welfare.

The project's geotechnical professional has provided the following statement within the critical area study (see page 2) "Based on our observations, and available information about the subsurface conditions in the area, it is our opinion that the recently constructed landscape improvements on the south end of the property have not adversely impacted the stability or the erosion potential of the site or the neighboring lots."

C. Development standards—Landslide hazard areas. Development is allowed within landslide hazard areas and associated buffers, when the following standards are met:

1. A critical area study shall be required for any alteration of a landslide hazard area or associated buffer;

A critical area study has been created by Geotech Consultants, Inc. and included in our permit submittal.

2. Buffers shall be applied as follows. When more than one condition applies to a site, the largest buffer shall be applied:

a. Steep slopes. Buffer widths shall be equal to the height of a steep slope, but not more than 75 feet, and applied to the top and toe of slopes;

b. Shallow landslide hazard areas shall have minimum 25-foot buffers applied in all directions; and

c. Deep-seated landslide hazard areas shall have 75-foot buffers applied in all directions.

(From Page 2 of the Critical Area Study) "It is our opinion that no buffers or setbacks are required for the reconstruction of the modular block walls or the gazebo's foundations, provided the recommendations presented in this report are followed. The recommendations presented in the report are intended to prevent adverse impacts to the stability of the site and the neighboring properties, and to avoid the landscape improvements from being damaged by slope movement. The excavations for the wall reconstruction and new gazebo footings will be shallow and will not increase the potential for instability on neighboring properties."

D. Development standards—Seismic hazard areas. When development is proposed within a seismic hazard area:

1. A critical area study shall be required and shall include an evaluation by a qualified professional for seismic engineering and design, a determination of the magnitude of seismic settling that could occur during a seismic event, and a demonstration that the risk associated with the proposed alteration is within acceptable limits or that appropriate construction methods are provided to mitigate the risk of seismic settlement such that there will be no significant impact to life, health, safety, and property.

A critical area study has been created by Geotech Consultants, Inc. and included in our permit submittal.

2. Identification of seismic hazard areas. Seismic hazard areas shall be identified by a qualified professional who references and interprets information in the U.S. Geological Survey Active Faults Database, performs on-site evaluations, or applies other techniques according to best available science.

3. When development is proposed on a site with an active fault, the follow provisions shall apply:

a. A 50-foot minimum buffer shall be applied from latest Quaternary, Holocene, or historical fault rupture traces as identified by the United States Geological Survey or Washington Geological Survey map databases or by site investigations by licensed geologic professionals with specialized knowledge of fault trenching studies; or

b. Mitigation sequencing shall be incorporated into the development proposal as recommended based on geotechnical analysis by a qualified professional to prevent increased risk of harm to life and/or property.

(From Page 3 of the Critical Area Study) “The slopes on and around the site are gentle to moderate. They are not susceptible to instability under static or seismic conditions. The stiff to very stiff, glacially compressed silt soils that underlie the area of the landscape improvements are not prone to strength loss during an earthquake.”

E. Development standards—Erosion hazard areas.

1. All development proposals shall demonstrate compliance with chapter 15.09, storm water management program.

2. No development or activity within an erosion hazard area may create a net increase in geological instability on or off site.

(From Page 3 of our Critical Area Study) “The site meets the City of Mercer Island’s criteria for an Erosion Hazard Area. However, the erosion potential related to this project is low, due to the limited ground disturbance anticipated. The temporary erosion control measures needed during the site development will depend heavily on the weather conditions that are encountered during the site work. One of the most important considerations, particularly during wet weather, is to immediately cover any bare soil areas to prevent accumulated water or runoff from the work area from becoming silty in the first place. A straw wattle or wire-backed silt fence should be erected as close as possible to the planned work areas, and the existing vegetation around the work area should be left in place. Soil stockpiles should be minimized. Tracking of soil and mud onto the driveway and surrounding streets must be prevented. Following rough grading, it may be necessary to mulch or hydroseed bare areas that will not be immediately covered with landscaping or an impervious surface.”

F. Development standards—Additional criteria for specific activities.

1. Trail building within geologically hazardous areas shall be subject to the following:
 - a. Trail surfaces shall be constructed of pervious materials and may not be wider than five feet; and
 - b. Trails shall be located to minimize the need for tree removal.

Proposed trail surfaces will be constructed of pervious materials and not wider than five feet. The proposed trails will not require tree removal.

2. Land clearing, grading, filling, and foundation work within: (a) an erosion hazard area, when 2,000 square feet or more of site disturbance is proposed, and/or (b) a landslide hazard area are not permitted between October 1 and April 1.

- a. The code official may grant a waiver to this seasonal development limitation if the applicant provides a critical area study for the site concluding that:

- i. Geotechnical slope stability concerns, erosion and sedimentation impacts can be effectively controlled on site consistent with adopted storm water standards; and

- ii. The proposed construction work will not subject people or property, including areas off site, to an increased risk of associated impacts.

- b. As a condition of the waiver, the code official may require erosion control measures, restoration plans, an indemnification, a release agreement and/or performance bond.

- c. If site activities result in erosion impacts or threaten water quality standards, the city may suspend further work on the site and/or require remedial action.

- d. Failure to comply with the conditions of an approved waiver shall subject the applicant to code compliance pursuant to chapter 6.10, code compliance, including but not limited to civil penalties and permit suspension.

We have applied for a wet season waiver.

19.07.170 - Fish and wildlife habitat conservation areas.

19.07.180 - Watercourses.

19.07.190 - Wetlands.

The project location is not mapped as containing any fish/wildlife habitat conservation areas, watercourses, or wetlands.