

Critical Compliance Narrative

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

ii.Requesting consolidation of the review of geologically hazardous areas together with construction permit review.

c.When development and/or activity is proposed on a site containing geologically hazardous areas and one or more of the critical area types listed in subsection (B)(2)(a) of this section or the associated buffer of one of those critical areas, a critical area review 2 reviewing all critical areas is required to be reviewed and approved prior to construction authorization, using the procedures required for a Type 3 land use review.

ANSWER: This project location has been deemed critical area 2. Because of that, the critical 2 area form has been filled out and necessary forms have been submitted to meet the 2 critical area requirements. A critical area report has been completed and submit to the city of Mercer Island for this project.

19.07.160 - Geologically hazardous areas.

ANSWER: A critical area report was completed by PanGeo Incorporated and was submitted with this permit application. Per this report, it outlines what will be done during construction that has geologically hazardous areas.

19.07.170 - Fish and wildlife habitat conservation areas.

A.Designation and typing. Fish and wildlife habitat conservation areas include the following:

- 1.Areas where state or federally listed endangered, threatened, sensitive, or candidate species, or species of local importance, have primary association;
- 2.Priority habitats and areas associated with priority species identified by the Washington State Department of Fish and Wildlife;
- 3.Areas used by bald eagles for foraging, nesting, and roosting, or within 660 feet of a bald eagle nest;
- 4.Watercourses and wetlands and their buffers; and
- 5.Biodiversity areas.

B.General review requirements.

1.When development is proposed in the areas described in subsection A of this section, the applicant shall, unless the proposal is specifically exempt pursuant to section [19.07.120](#), submit a wildlife habitat assessment in the form of a critical area study prepared by a qualified professional including the following information:

- a.Identification of the species referenced in subsection A of this section that has a primary association with habitat on or in the vicinity of the site;
- b.Extent of wildlife habitat areas, including acreage, and required buffers based on the species;
- c.Vegetative, faunal, and hydrologic characteristics;
- d.Evaluation of direct and indirect potential impacts on habitat by the project, including potential impacts to water quality;
- e.A discussion of any federal, state, or local special management recommendations, including Washington State Department of Fish and Wildlife habitat management recommendations that have been developed for the species or habitats; and
- f.A discussion of avoidance, minimization, and mitigation of impacts pursuant to section [19.07.100](#).

C.Development standards.

- 1.Development proposals shall implement wildlife and habitat protection measures identified in the wildlife habitat assessment.
- 2.Development proposals within areas used by bald eagles for foraging, nesting, or roosting, or within 660 feet of a bald eagle nest as identified by a critical area study, shall follow the requirements of the U.S. Fish and Wildlife's National Bald Eagle Management Guidelines (2007).

ANSWER: Per the critical area report, there are no fish/wildlife habitat conservation areas on this property. Per the scope of work, the work being completed will not affect any fish/wildlife conservation areas.

19.07.180 - Watercourses.

A.Designation and typing. Watercourses shall be classified by the following types:

- 1.Type S (there are no known Type S watercourses on Mercer Island);
- 2.Type F;
- 3.Type Np;
- 4.Type Ns; and
- 5.Piped.

B.General review requirements.

1.Development within watercourses and/or associated buffers is prohibited unless one of the following conditions applies:

a.The proposed activity is specifically exempt pursuant to section [19.07.120](#);

b.A critical area review 1 application is reviewed and approved for one of the modifications in section [19.07.130](#); or

c.The proposed activity is permitted under subsection D of this section, development standards—additional criteria for specific activities.

ANSWER: There are no watercourses on this property or near the property. Because of this, no watercourses will be affected by the scope of this project.