
CODE COMPLIANCE NARRATIVE

Critical Area Review 2

Project Address: 2262 78th Ave SE, Mercer Island, WA 98040

Parcel Number: 531510-1697

Applicant: Weaver Construction, LLC

Prepared by: Melissa Dow

Project Description

The applicant proposes to demolish the existing single-family residence (SFR) located at 2262 78th Ave SE, Mercer Island, WA, while retaining a portion of the existing foundation, and to construct a new single-family home on the site. The purpose of this Critical Area Review 2 (CAR2) application is to support a revision to the City of Mercer Island's waterways critical area mapping in light of field-verified findings and to demonstrate compliance with the applicable code requirements outlined in MICC 19.07.090, MICC 19.07.160, MICC 19.07.170, MICC 19.07.180, and MICC 19.07.190.

In addition, the subject property is located within a mapped seismic hazard area per the City of Mercer Island's Critical Areas Map. In accordance with MICC 19.07.130 – Geologically Hazardous Areas, site development has been evaluated and designed by a licensed structural engineer to address the risks associated with potential ground shaking and seismic activity. The structural design meets the standards of MICC 19.07.130(C)(2), which requires that geotechnical and engineering evaluations demonstrate that proposed structures will mitigate hazards and not increase risk to adjacent properties. The site-specific geotechnical and engineering evaluations confirm that all proposed construction can safely occur under these conditions.

Compliance with MICC 19.07.090 – General Critical Areas Regulations

The proposed project has been evaluated using the best available science as documented in the Critical Area Study prepared by Peterman Consultants, Inc. dated June 17, 2024. The study confirms that:

- No wetlands or regulated streams are located within the project area.
- A feature previously mapped as a Type Np watercourse on the property is, in fact, a man-made stormwater drainage ditch, which does not meet the City's definition of a stream per MICC 19.16.010.
- All site improvements are located outside of regulated critical areas and their associated buffers.

As required, impacts to any offsite critical areas have been fully avoided, and no mitigation is necessary under the mitigation sequencing standards.

Compliance with MICC 19.07.160 – Streams

Stream S1, the only regulated stream identified in the Critical Area Study, is located entirely offsite on the adjacent parcel to the north (King County Parcel No. 531510-1680). Although a small portion of the 25-ft buffer associated with Stream S1 crosses into the northwest corner of the subject property, no construction or disturbance is proposed within the buffer area.

Additionally, the onsite drainage ditch, previously misclassified as a Type Np stream, has been verified to be a non-regulated feature, as it is:

- A human-constructed stormwater channel;
- Not identified by the Washington State Department of Natural Resources as a classified or unclassified stream;
- Lacking the physical and biological characteristics of a natural stream system.

Therefore, the revised classification and buffer delineation meet the intent and standards of MICC 19.07.160.

Compliance with MICC 19.07.170 – Wetlands

Field investigations conducted as part of the Critical Area Study included two wetland determination data points (SP1 and SP2). The findings confirmed:

- No hydrophytic vegetation dominance;
- No hydric soils present;
- No evidence of wetland hydrology.

As no wetlands are present on the site, there are no associated buffers or mitigation requirements, and the project is in full compliance with MICC 19.07.170.

Compliance with MICC 19.07.180 – Frequently Flooded Areas

The subject property is not located within a FEMA-designated floodplain or mapped flood hazard area. No critical area indicators related to frequent flooding were identified in the field or via available mapping resources. This section is not applicable to the project.

Compliance with MICC 19.07.190 – Critical Area Buffers

The only applicable buffer—associated with offsite Stream S1—has been mapped and clearly respected in the site design. No land disturbance or development will occur within this buffer. The onsite drainage ditch, determined to be non-regulated, does not trigger a buffer requirement. The site plan maintains all required setbacks, and no buffer reduction, averaging, or mitigation is proposed or necessary.

Conclusion

This narrative, supported by the findings of the June 2024 Critical Area Study, demonstrates that the proposed project:

- Accurately reflects current site conditions using best available science;
- Avoids all regulated critical areas and buffers;
- Incorporates engineered structural design solutions appropriate for mapped seismic hazard areas, consistent with MICC 19.07.130;
- Complies with the applicable provisions of MICC 19.07.090 through MICC 19.07.190.

Accordingly, the applicant respectfully requests that the City of Mercer Island update the mapped waterway classification and buffer area to reflect the verified, field-based information, and approve the application for Critical Area Review 2.
