
CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

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STAFF REPORT

CRITICAL AREA REVIEW 2

Project No.:	CAO25-013
Description:	A request for a Critical Area Review 2 for a demo rebuild of a single-family residence located on a site with a buffer from an offsite open watercourse.
Applicant / Owner:	Melissa Dow (Weaver Construction, LLC) / John Toda
Site Address:	2262 78 th Ave SE, Mercer Island, WA 98040; Identified by King County Assessor tax parcel number 531510-1697.
Zoning District:	Single Family Residential (R-8.4)
Staff Contact:	Grace Manahan, Code Compliance Planner
Exhibits:	<ol style="list-style-type: none">1. Development Application, received by the City of Mercer Island on June 16, 20252. Revised Development Plan Set, dated August 28, 2025 and received September 19, 20253. Project Narrative, received June 16, 20254. Infiltration Evaluation prepared by Earth Solutions NW, dated June 26, 2025 and received July 22, 20255. Critical Areas Study prepared by Peterman Consulting, LLC, dated June 17, 2024 and received June 16, 20256. Hazard Report generated by the City of Mercer Island on September 23, 20257. Watercourse Map generated by the City of Mercer Island on September 23, 20258. Letter of Incomplete Application issued by the City of Mercer Island on July 2, 2025.9. Letter of Complete Application issued by the City of Mercer Island on July 29, 202510. Concurrent Review Form, received July 2, 202511. Notice of Application, dated August 4, 202512. Wetland and Watercourse Assessment Peer Review prepared by FACET, dated September 12, 202513. City of Mercer Island Review Letters<ol style="list-style-type: none">13.1. Review Letter 1, dated September 15, 2025

INTRODUCTION

I. Project Description

The applicant has requested approval of a Critical Area Review 2 for the demolition of an existing single-family residence and the rebuild of a new single-family residence.

The proposal consists of the following components:

1. A request for the demolition and rebuilding of an existing single-family residence located on a site containing a buffer associated with an offside open watercourse. Subject to the standards of Chapter 19.07 of the Mercer Island City Code (MICC).

II. Site Description and Context

1. The proposed activity is to occur at 2262 78th Ave SE, Mercer Island, WA 98040. The site is designated Single Family Residential (zoned R-8.4). Adjacent properties are within the R-8.4 zone and contain residential uses. The subject site has a mapped potential slide geologically hazardous areas located in the northwest corner of the property and 2 mapped open watercourses. The Infiltration Evaluation, prepared by Earth Solutions NW (**Exhibit 4**) verified the absence of the mapped potential slide geologically hazardous areas. This evaluation has been peer reviewed and approved by the City of Mercer Island's third-party geotechnical reviewer Michele Lorilla, PE. The Critical Areas Study, prepared by Peterman Consulting, LLC (**Exhibit 5**) verified the absence of both mapped on site open watercourses. The Wetland and Watercourse Assessment Peer Review prepared by FACET (**Exhibit 12**) confirmed there are no on-site watercourses present with no additional comments.

Findings of Fact & Conclusions of Law

III. Application Procedure

1. The application for a Critical Area Review 2 was received by the City of Mercer Island on June 16, 2025. The application was determined to be incomplete on July 2, 2025, and resubmitted on July 22, 2025. The application was determined to be complete on July 29, 2025.
2. Under MICC 19.15.030, Table A, applications for Critical Area Review 2 must undergo Type III review. Type III reviews require notice of application (discussed below). A notice of decision (**Exhibit 14**) is issued once the project review is complete.
3. The City of Mercer Island provided public notice of application (**Exhibit 11**) for this Critical Area Review 2 Permit, as set forth in MICC 19.15.090. The comment period for the public notice period lasted for 30 days, from August 4, 2025 to September 3, 2025. The following methods were used for the public notice of application:
 - 1) A mailing sent to neighboring property owners within 300 feet of the subject parcel.
 - 2) A sign posted on the subject parcel.
 - 3) A posting in the City of Mercer Island's weekly permit bulletin.
4. No public comments were received.

IV. State Environmental Policy Act (SEPA)

The proposal is categorically exempt from SEPA pursuant to WAC 197-11-800(1)(b)(i).

V. Consistency with the Critical Areas Code and Land Development Code

1. MICC 19.07.090 describes the purpose and procedures by which the city will review and authorize development and verify consistency with this chapter.
 - a. Critical Area Review 2. 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.
 - b. 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 application 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 III 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 on 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 III land use review.

Staff Analysis: The applicant submitted a Concurrent Review Request Form (**Exhibit 10**) requesting consolidated review of the Critical Area Review 2 and associated building permit application (2505-202); therefore, the application is consistent with the review timing and sequence requirements.

2. MICC 19.07.180 lists standards for development on sites containing watercourses.
 - A. The applicant has demonstrated how impacts will be minimized and that avoidance has been addressed consistent with section MICC 19.07.100, mitigation sequencing:

Staff Analysis: The Critical Areas Study prepared by Peterman Consulting, LLC (**Exhibit 5**), states all proposed development impacts are located outside of the watercourse buffer and associated 10 foot setback. No impacts to the offsite watercourse or associated buffer are proposed, therefore no mitigation is proposed.

CONDITIONS OF APPROVAL

1. The project proposal shall be in substantial conformance with **Exhibit 2** and all applicable development standards contained within Mercer Island City Code (MICC) Chapter 19.07.
2. The applicant is responsible for documenting any required changes in the project proposal due to conditions imposed by any applicable local, state and federal government agencies.

3. Construction or substantial progress toward construction of a development for which a permit has been granted must be undertaken within three years after the approval of the permit or the permit shall terminate. The code official shall determine if substantial progress has been made.

DEVELOPMENT REGULATION COMPLIANCE – DISCLOSURE

1. The applicant is responsible for obtaining any required permits or approvals from the appropriate Local, State, and Federal Agencies.
2. All required permits must be obtained prior to the commencement of construction.

DECISION

Based upon the above noted Findings of Fact and Conclusions of Law, Critical Area Review 2 Permit application **CAO25-013**, as depicted in **Exhibit 2**, is hereby **APPROVED**. This decision is final, unless appealed in writing consistent with adopted appeal procedures, MICC 19.15.130(A), and all other applicable appeal regulations.

Approved this 6th day of October, 2025



Grace Manahan
Code Compliance Planner
Community Planning & Development
City of Mercer Island