
CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

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STAFF REPORT

CRITICAL AREA REVIEW 2

Project No.:	CA025-018
Description:	A request for a Critical Area Review 2 for a new two-story single-family residence totaling approximately 2,320 square feet of heated space and an attached 470 square foot garage on a site containing geologically hazardous areas.
Applicant / Owner:	Vann Lanz (LNL Builds) / James Tatlow
Site Address:	4450 84 th Ave SE, Mercer Island, WA 98040; Identified by King County Assessor tax parcel number 759810-0760.
Zoning District:	Single Family Residential (R-9.6)
Staff Contact:	Madelyn Nelson, Assistant Planner
Exhibits:	<ol style="list-style-type: none">1. Development Application, received by the City of Mercer Island on August 20, 2025.2. Development Planset received August 20, 2025.3. Revised Development Plan Set received February 11, 2026.4. Critical Area Project Narrative, received August 20, 2025.5. Criteria Compliance Narrative, submitted on August 20, 2025.6. Geotechnical Evaluation prepared by Cobalt Geosciences, dated February 6, 2025, and received August 20, 2025.7. Plan Review Letter prepared by Cobalt Sciences, dated January 29, 2026, and received January 30, 2026.8. Disclosure and Notice on Title recorded with the King County Recorder's Office on January 30, 2026, under recording number 202601300003769. Concurrent Review Request Form received August 20, 2025.10. Hazard Map generated by the City of Mercer Island on February 24, 2026.11. Letter of Complete Application issued by the City of Mercer Island on August 28, 2025.12. Notice of Application, dated September 8, 2025.13. City of Mercer Island Review Letters<ol style="list-style-type: none">13.1. Review Letter 1, dated September 11, 202513.2. Review Letter 2, dated February 10, 202613.3. Review Letter 3, dated February 24, 202614. Public Comments

15. Applicant Response to Public Comments

INTRODUCTION

I. Project Description

The applicant has requested approval of a Critical Area Review 2 for a new residence and an ADU application. A new two-story single-family residence with an attached garage is being proposed. The existing house on-site is being converted into an ADU on a property containing geologically hazardous areas

The proposal consists of the following components:

1. A request to construct a new single-family residence within geologically hazardous areas subject to the standards of Mercer Island City Code (MICC) 19.07.160 Environment.
2. A request to establish an Accessory Dwelling Structure in the existing home on site subject to the standards of MICC 19.02.030 Accessory Dwelling Unit.

II. Site Description and Context

1. The proposed activity is to occur at 4450 84th Ave SE, Mercer Island, WA 98040. The site is designated Single Family Residential (zoned R-9.6). Adjacent properties are within the R-9.6 and R-15 zone and contain residential uses. The subject site contains potential slide, erosion, and seismic geologically hazardous areas (**Exhibit 10**).

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 August 20, 2025. The application was determined to be complete on August 28, 2025 (**Exhibit 11**).
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 is issued once the project review is complete.
3. The City of Mercer Island provided public notice of application for this Critical Area Review 2 Permit, as set forth in MICC 19.15.090 (**Exhibit 12**). The comment period for the public notice period lasted for 30 days, from September 8, 2025, to October 8, 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. One public comment was received during the public comment period. This comment is summarized below and can be found in **Exhibit 14**. The response to the public comment can be seen in **Exhibit 15**.
 - a. A resident at a neighboring property provided a comment indicating concerns over the inclusion of adequate water drainage, visually appealing landscaping and green cover, and temporary fencing in the project. The work window was requested for scheduling purposes.

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 19.07.070 lists requirements for disclosure and notice on title. The applicant shall disclose to the city the presence of critical areas on the development proposal site and any mapped or identifiable critical areas within the distance equal to the largest potential required buffer applicable to the development proposal on the development proposal site.
 - a. The owner of any property containing critical areas and/or buffers on which a development proposal is submitted, except a public right-of-way or the site of a permanent public facility, shall file a notice approved by the city with the records and elections division of King County. The notice shall inform the public of the presence of critical areas, buffers and/or mitigation sites on the property, of the application of the city's critical areas code to the property and that limitations on actions in or affecting such critical areas and/or buffers may exist. The notice shall run with the land in perpetuity.
 - b. The applicant shall submit proof to the city that the notice has been recorded prior to approval of a development proposal for the property or, in the case of subdivisions, short subdivisions, and binding site plans, at or before recording of the final subdivision, short subdivision, or binding site plan.

Staff Analysis: A critical areas Disclosure and Notice on Title has been recorded with the King County Recorder's on January 30, 2026, under Recorder's File No. 20260130000376 (**Exhibit 8**). The Notice informs the public of the presence of critical areas and proposed mitigation due to the proposed development; therefore, this requirement is met.

2. 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 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.
 - B. 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 III land use review.

Staff Analysis: The applicant submitted a Concurrent Review Request Form (**Exhibit 9**), requesting consolidation of the review of geologically hazardous areas together with construction permit review under Building Permit No. 2504-104.

3. MICC 19.07.100 lists requirements for mitigation sequencing. An applicant for a development proposal or activity shall implement the following sequential measures, listed below in order of preference, to avoid, minimize, and mitigate impacts to environmentally critical areas and associated buffers. Applicants shall document how each measure has been addressed before considering and incorporating the next measure in the sequence:
 - a. Avoiding the impact altogether by not taking a certain action or parts of an action. The applicant shall consider reasonable, affirmative steps and make best efforts to avoid critical area impacts. However, avoidance shall not be construed to mean mandatory withdrawal or denial of the development proposal or activity if the proposal or activity is an allowed, permitted, or conditional use in this title. In determining the extent to which the proposal should be redesigned to avoid the impact, the code official may consider the purpose, effectiveness, engineering feasibility, commercial availability of technology, best management practices, safety and cost of the proposal and identified changes to the proposal. Development proposals should seek to avoid, minimize and mitigate overall impacts based on the functions and values of all of the relevant critical areas and based on the recommendations of a critical area study. If impacts cannot be avoided through redesign, use of a setback deviation pursuant to section 19.06.110(C), or because of site conditions or project requirements, the applicant shall then proceed with the sequence of steps in subsections B through E of this section;
 - b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, using a setback deviation pursuant to section 19.06.110(C), using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
 - c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 - d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
 - e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or
 - f. Monitoring the impact and taking appropriate corrective measures to maintain the integrity of compensating measures.

Staff Analysis: The applicant provided a Geotechnical Evaluation prepared by Cobalt Geosciences (**Exhibit 6**) which reviewed the proposed project with respect to mitigation sequencing. The project is anticipated to include measures which mitigate the potential impact to the geologic hazards at the site and adjacent areas. Ground disturbance is minimized with proper TESC and BMPs with limited excavations. The impact is minimized, and the proposed development takes affirmative steps to avoid impacts; therefore, mitigation sequencing has been incorporated, and this requirement is met per MICC 19.07.110(3)(b).

4. MICC 19.07.110 lists requirements for a critical area study. A critical area study is required when a development proposal will result in an alteration to one or more critical area buffers or when required to determine the potential impact to a critical area. The critical area study may be waived or modified if the applicant demonstrates that the development proposal will not have an impact on the critical area or its buffer in a manner contrary to the purposes and requirements of this chapter.

Staff Analysis: The applicant provided a Geotechnical Evaluation and Plan Review Letter prepared by Cobalt Geosciences (**Exhibit 6 & Exhibit 7**) containing all of the requirements for a critical area study; therefore, this requirement is met.

5. MICC 19.07.160 lists standards for development on sites containing geologically hazardous areas.
 - A. Geologically hazardous areas are lands that are susceptible to erosion, landslides, seismic events, or other factors as identified by WAC 365-190-120. These areas may not be suited for development activities because they may pose a threat to public health and safety. Areas susceptible to one or more of the following types of hazards shall be designated as geologically hazardous areas: landslide hazard areas, seismic hazard areas, and erosion hazard areas.

Staff Analysis: The subject property contains potential landslide, erosion, and seismic hazard areas (**Exhibit 10**).

- B. 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.

Staff Analysis: The Geotechnical Evaluation and Plan Review Letter prepared by Cobalt Geosciences (**Exhibit 6 & Exhibit 7**) satisfies the requirements for a critical area study. The risk of landslide activity and erosion can be maintained at a low level through TESC and BMPs. Seismic hazard risks were found to be low due to the presence of dense glacial till soil. The study also provides recommendations for appropriate design and development measures to mitigate the hazards. The Plan Review Letter prepared by Cobalt Geosciences (**Exhibit 7**) confirms that the proposed development is consistent with the recommendations in the Geotechnical Evaluation; therefore, this requirement is met.

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.

Staff Analysis: The Geotechnical Evaluation prepared by Cobalt Geosciences (**Exhibit 4**) confirms the development will mitigate impacts to the geologically hazardous area consistent with best available science to the maximum extent possible such that the site is determined to be safe, meeting MICC 19.07.160(B)(3).

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 the 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.

Staff Analysis: The Plan Review Letter prepared by Cobalt Geosciences (**Exhibit 7**) provides a statement of risk matching (c) above; therefore, this criteria is met.

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

Staff Analysis: Geotechnical Evaluation and Plan Review Letter prepared by Cobalt Geosciences (**Exhibit 6 & Exhibit 7**) satisfies the requirements of a critical area study. The study finds that the risk of erosion and landslide activity at the site is very low and would not be affected by the proposed construction, provided the typical erosion control measures are in place during construction and all areas are landscaped following construction; therefore, these standards are met.

- D. 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.

2. 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 following 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.

Staff Analysis: The Geotechnical Evaluation prepared by Cobalt Geosciences (**Exhibit 6**) finds that the site has a relatively low likelihood of liquefaction due to the very dense soil conditions where groundwater is likely present. The evaluation includes recommendations for the design of the proposed addition, and as conditioned, includes a post-design memorandum (**Exhibit 7**) confirming that the project has been designed to comply with the recommendations; therefore, these standards have been met.

- E. When development is proposed within an erosion hazard area:
 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.

Staff Analysis: The Critical Area Review 2 is occurring concurrently with review of the associated construction permit under Building Permit No. 2504-104. As conditioned, the proposed development is required to obtain all related permits. The construction permit has been reviewed and approved by Ruji Ding, Senior Development Engineer, for compliance with chapter 15.09, storm water management program. The Geotechnical Evaluation prepared by Cobalt Geosciences (**Exhibit 6**) finds that the risk of erosion at the site resulting from the proposed construction is very low, provided that erosion measures are implemented during construction; therefore, this requirement is met, as conditioned.

CONDITIONS OF APPROVAL

1. The project proposal shall be in substantial conformance with **Exhibit 3** 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.

4. Landscaping of all disturbed areas outside of building footprints and installation of hardscape is required prior to final inspection of the associated building permit.

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 **CA025-018**, as depicted in **Exhibit 3**, 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 16 day of March, 2026

Madelyn Nelson

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