

7671 & 7677 West Mercer Way

Critical Area Review I: Code Compliance Narrative

March 16, 2026

Project Address:

7671 West Mercer Way
Mercer Island, WA 98040
Parcel No. 545130-0075 (Lots 7 & 12)

7677 West Mercer Way
Mercer Island, WA 98040
Parcel No. 545130-0065 (Lot 6)

Introduction:

This Critical Areas Review 1 (CAR I) application presents the FACET Preliminary Critical Areas Study, dated March 10, 2026 (FACET CAS) and supporting documents seeking concurrence from the City of Mercer Island regarding the absence of a GIS designated watercourse, the redesignation of an adjacent piped and open stormwater system, and absence of wetlands, and fish and wildlife habitats. The application will show, through research and field work that there are no wetland or fish and wildlife habitat, and that no evidence is present on the properties to support the GIS Designated watercourse. The application also finds the adjacent the piped drainage system, located north of the properties, does not meet the definition of an open or piped watercourse and recommends the conveyance system be reclassified as a private storm drainage system.

Current Conditions: The two adjacent properties include three historical lots 7 & 12 (7671 WMW), and lot 6 7677 West Mercer Way. The parcels are bounded between W. Mercer Way and Lake Washington on the east and west boundaries, and bounded by partially the vacated SE 79th Street to the south and three Schuck Park residences to the north. Access to the property is through an easement over the SE 79th St ROW, a city owned parcel, and other privately owned parcels.

The land is heavily wooded with critical slopes and is within seismic and hazardous slope overlays.

Two houses and a beach house are on the properties. Lot 6 has an older home from the 1930's, renovated in 1964 approx. 1100 Sq Ft, without direct vehicle access. Lot 12 includes a 1972 3 story house and a detached 2-car garage. The house is approx. 3400 Sq Ft. A beach house is a permitted structure on Lot 7, approx. 450 Sq Ft. with a kitchen and bathroom.

Future Development: The owners are working on development options for a 2, 3, or 4 lot residential development project on the two parcels. This application will include a Shoreline

Development / SEPA application to renovate the existing dock and shoreline, a concurrent CAR II geologically hazardous area study, a residential development application, and associated permits. The options indicated in the CAS and the Development Plans submittal are conceptual only, as the applicants continue to refine and analyze the options.

Narrative:

The objective of this CAR I application is to provide evidence to the City of Mercer Island that the adjacent piped and open storm water drainage conveyance system and the Mercer Island GIS Designated watercourse show no field evidence or regulatory definition in City or State regulations defining any type of watercourse. Based on City review, the applicants request the GIS information for both “watercourses” be modified to remove the designation, and reclassify the adjacent piped and open watercourse.

Additionally, the application seeks concurrence from the City that there is no evidence from research or field work, undertaken by FACET biologists, regarding the wetlands and fish and wildlife habitat. Their work also defined the OHWM for the two parcels and conditions along the shoreline to support future permit work.

The FACET CAS is titled as “preliminary” as we intend to update the CAS to accommodate a tree inventory, tree report, and tree removal and additional construction requirements at the time of development application. We believe the March 10, 2026 meets all field and reporting work to support the CAR I application per CIMM 19.07.090, A, 1, b & c, 2, b, and 3, a-d.

Work was not included for geological hazardous areas, trees, or detailed Shoreline develop as these areas will be studied through future CAR II and Shoreline Development applications.

Fish and Wildlife Habitat Conservation Areas: The FACET report found no fish and wildlife habitat on the site by research of field observations (FACET CAS, Page 4). It is recognized that Lake Washington includes salmonids and the parcels host occasional red-tailed deer and other urban mammals who transit the properties.

Wetlands: The FACET report found no wetlands on the site by research of field observations (FACET, April 5, 2024, Page 4), other than some hydrophytic vegetation but no soils or hydrology indicated wetlands areas.

Watercourse Parcel Site-GIS Designated : The FACET report investigated and provided field work for a “watercourse” which is designated on the Mercer Island GIS Mapping System. FACET biologist found no evidence, indicators, or any type of watercourse as indicated in the GIS system. This includes

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no evidence of flowing water, scour, bed, bank, or sorted sediments (FACET CAS Page 4 & 5). Historically, the applicants have seen no evidence of any water source, or flow along the length of the ravine. Furthermore, the applicants have noted historically, the GIS System has incrementally increased the length of the indicated watercourse from a small line extending from Lake Washington across the beach; to the present mapping which extends up slope, through the current residence at 7671 WMW, to just west of West Mercer Way.

This CAR I application requests concurrence by the City of Mercer Island of the absence of the GIS Designated watercourse (MICC 19.07.090, A, 1, b); based on clear evidence through professional expertise and study.

Pipped Watercourse Off Site:

Based on City Staff feedback from our Pre-Application Mtg of February 3, 2026 (Pre26-005) FACET preformed additional research and field work to update the FACET CAS. The updated field work provided better understanding of the upstream conditions and the source of water flowing in this system. From FACET field work and observations, information from a public recorder request (PR026-0106) and correspondence with City Staff (Ian Powell) it is determined that the Piped and Open Watercourse (GIS Designation SD-GM-13071 and SD-GM-13070) which are solely sourced from private and public stormwater drainage for Shuck Park Drive, and West Mercer Way. See Facet CAS, Page 5 and 6. This private stormwater conveyance system does not meet any definition of a watercourse per CIMM, and should not be regulated as a watercourse or designated as such on the City GIS system.

As this private storm drainage system is not our parcels, we seek concurrence that no setback or buffers will be overlaid on our property. We further recommend the GIS System be modified to remove the 75' (foot) buff currently indicated on our property.

MICC 19.07 Environment

19.07.020 - Applicability

A. *Except as specifically exempted by section [19.07.120](#), exemptions, these regulations apply to land uses, development activity, and all structures and facilities within the city of Mercer Island that contain any of the following critical areas and/or their buffers, as defined in [chapter 19.16](#):Table C — Requirements for Development Located Landward from the OHWM*

1. *Geologically hazardous areas;*

Answer: Geological hazards will be provided in a future CAR II concurrent with future development applications.

2. *-4. Fish and wildlife habitat conservation areas; Watercourses; and Wetlands*

Answer: This CAR I focuses on these three critical areas and seeks concurrence from the City on their absences and designated type.

19.07.060 - Critical area maps and inventories.

Approximate locations of critical areas in the city of Mercer Island are depicted on citywide maps displayed in the city's GIS database, as amended. Field verification and, if the city deems appropriate, evaluation and mapping by a qualified professional of the location of critical areas will be required to determine the location and type of critical area on a given site.

Answer: While we understand the City of Mercer Island relies on the GIS System for environmental information, this CAR I application recommends a modification to a GIS Watercourse and piped storm drainage system, based on qualified professional research and field work. See FACET CAS, Page 4.

19.07.090 - Critical area reviews.

B. *Critical area review 1.*

1. *The purpose of a critical area review 1 is to review:*
 - a. *Activities listed as modifications in section 19.07.130, modifications;*
 - b. *Verification of the presence or absence of a critical area; or*
 - c. *Verification of the delineation and/or type of wetland or watercourse.*

Answer: Submitted CAR I complies with this section by providing documents and studies to confirm both the presences and absence of a critical areas on the parcels. See FACET CAS, Page 2.

2. *Review timing and sequence.*

- a. *If no building permit is required for the proposed scope of work associated with the critical area review 1, then the review shall take place according to the procedures required for a Type 1 land use review.*

Answer: No building or development application will be provided at this time. This application follows procedures in this Chapter and Chapter 19.15 – Administration.

3. *Requirements for a complete application.*

Answer: Application meets CoMI CAR I Review Form.

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;*

Answer: See FACET CAS, Page 7. Research and field observations found no evidence of listed, threatened, sensitive, or candidate species. It was noted that red-tailed deer transit the property, and that salmonoid species are resident in Lake Washington.

3. *Areas used by bald eagles for foraging, nesting, and roosting, or within 660 feet of a bald eagle nest;*

Answer: No foraging, nesting or roosting, or a specific nest is on the property. See FACET CAS, Page 7

4. *Watercourses and wetlands and their buffers; and*

Answer: See below for compliance with Watercourses and wetlands. Relative to Section 19.07.170, there are no watercourses or wetlands on the property, per detailed responses below in 19.07.180.

5. *Biodiversity areas.*

Answer: The parcels are not adjacent to or in the 14 natural areas listed in the City of Mercer Island Parks website, of which Mercerdale Hillside and Pioneer park list as designated Biodiversity 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.*

Answer to A, 1-5:

Designation and Typing of On-Site GIS Designated Watercourse:

Qualified professional research and field work, and historical information do not support any of the three Watercourse designations and types. Per MICC section 19.16 and the underlying WAC 222-16-030 Water Typing system; there are not natural, or diverted water flows or evidence of any bankfull channels of any kind. There is no evidence of seasonal or perennial water flows or any connection to lakes, or stream above or below the ravine in question. There is no physical connection to any fish habitat or non-fish water flow.

See FACET CAS, Page 4 & 5 and Development Plan, key plan and additional photos of the ravine. This ravine does not meet any watercourse designation, and we recommend this information be removed from the City GIS System.

Answer: Piped Watercourse Off Site to the Properties:

FACET CAS discussion of field work and research which indicated this “watercourse” is sourced from private and city stormwater systems and does not meet any part of the City or State definitions of a Watercourse. See FACET CAS Page 5 & 6.

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: Based on FACET CAS the parcels have no regulated watercourses, wetlands, or habitat present, and therefore no setbacks or buffers are required. The applicants recognize setbacks and buffers for geological hazardous area and shorelines will be required and addressed in future submittals.

C. *Development standards—Buffers.*

1. *The following minimum buffers shall be established from the ordinary high-water mark or from the top of the bank if the ordinary high-water mark cannot be identified:*

Answer to B, a-c and C, 1: Designation and Typing of GIS Identified Watercourse:

The position of this CAR I application and the provided FACET CAS is there is no evidence of a watercourse in the ravine. Therefore, the exemptions or modification per Sections 19.07.120 & .130 do not apply to the absences of the GIS Identified Watercourse.

Answer to B, a-c and C, 1: Piped Watercourse Adjacent to the Properties:

See FACET CAS for information regarding research and evidence regarding the stormwater sources which indicate the private stormwater system does not meet the definition of a City and State watercourse type.

19.07.190 - Wetlands.

- A. *Designation and typing. Wetlands shall be identified, and their boundaries delineated in accordance with the approved federal delineation manual and applicable regional supplements described in WAC 173-22-035. Wetlands shall be rated according to the Washington State Rating System for Western Washington: 2014 Update (Hruby, 2014), or most current update.*

Answer: See FACET CAS, Page 2 References in support of wetlands identification and delineation.

B. *General review requirements.*

1. *In addition to the critical area study requirements listed in section 19.07.110, critical area study, critical area studies on wetlands shall also include:*
 - a. *Wetland rating forms and datasheets;*
 - b. *Discussion of landscape setting;*
 - c. *A functional analysis of the project demonstrating that there will be no loss of ecological function; and*
 - d. *A mitigation plan.*
2. *Wetland delineations are valid for five years.3.Wetlands must be delineated and rated by a qualified professional.*

C. *Development standards—Buffers.*

1. *The following minimum buffers shall be established from the wetland boundary:*

Answer to B, 1, a-d and B, 2: See FACET CAS Page 7 and Wetlands Determination Forms, Pgs., 3-5, Photo 5 for information on the landscape conditions functional analysis. Overall, the CAS found no evidence of wetlands on the properties.

End of Criteria Compliance Narrative