

7671 West Mercer Way

Shoreline Exemption-Tree Removal: Project Narrative

Introduction

This Shoreline Exemption application is provided to seek exemption from a full Shoreline Development and SEPA Review for two Western Hemlocks, which are standing dead, with no visible growth and evidence of fungal disease at the base of the trees. These trees pose a threat to the health and safety of our neighbors on the northern boundary of our properties. The trees are approx. 80-90' tall and located approx. 20' from our neighbors' structures. There is immediate concern that prevailing southerly or south westerly storms will adversely affect the stability of these dead trees.

While the two trees are within the 200' Shoreline Management boundaries, the application seeks an exemption from a full Shoreline development application and regulations as the trees will not produce ground disturbance nor impacts to Lake Washington or the shoreline as they are located 100' from the shoreline.

Submittal Documents for Shoreline Exemption:

Based on a conversation, and email correspondence with City of Mercer Island staff (attached) the list below itemizes the documents which were agreed to be suitable for this exemption.

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|--|------------------------|
| 1. Development Application Form: | Provided |
| 2. Pre-Application Meeting: | Not Required |
| The development plans set provides sufficient information on the trees | |
| 3. Narrative: | Provided |
| 4. Criteria Compliance Narrative: | Provided |
| 5. Title Report: | Provided |
| 6. Affidavit of Ownership: | Provided |
| 7. Affidavit of Agent Authority: | Not Required |
| Not applicable as the owner is acting and contractor and agent. | |
| 8. Development Plan Set: | Provided |
| 9. JARPA Form. | Not Required |
| Not applicable as the exemption for the removal of the two tree is not focused on development, wetlands, dredging or excavation, shorelines, or impacts to non-wetland waterbodies. | |
| 10. Shoreline Exemption Affidavit: | Provided |
| 11. Critical Areas Study: | Attached for reference |
| A CAS is provided for reference and indicates the parcel does not have a viable watercourse or wetlands. The applicant is in the process of submitting a CAR I for this issue. There are seismic | |

7671 West Mercer Way

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and steep slopes, but the root and trunk of both trees will remain, minimizing any ground disturbance

12. No Net Loss Report: Not Required

There will be no net loss of function as the ground will not be disturbed and the two trees are part of a larger grove of Douglas Firs and Wester Hemlocks

13. SEPA Checklist: Not Required

The criterial code compliance narrative will indicate the tree removal is categorically exempt from per the WAC 197-27-040

14. Sewer Lake Line Affidavit: Not Required

No activity is plan near or in the water, nor landward from the shoreline

15. Concurrent Review Form: Not Provided

While we are in the process of submitting a CAR Review I regarding an indicated GIS Watercourse, it has not yet been submitted, pending a forthcoming Pre-App meeting. We believe a concurrent review between the removal of two dead trees and a review of the watercourse regulations is not relevant to each other.

16. Fees: Provided

7671 West Mercer Way

Shoreline Exemption-Tree Removal: Project Narrative

Project Narrative

The overall property includes two historical lots (7, and 12) within one tax parcels between West Mercer Way and Lake Washington. The property has 110' of waterfront with a shared dock on the adjacent parcel. The land is heavily wooded with a City of Mercer Island GIS indicated watercourse, critical slopes, and is within a hazardous slope overlay.

One house and a beach house are located on the property. Lot 12 & 7 (545130-0075) includes a 1972 3-story house and a detached 2-car garage. The house is approx. 3,400 Sq Ft. The beach house is a permitted structure on Lot 7, approx. 450 Sq Ft. with a kitchenet and bathroom.

This Shoreline Exemption involves the removal of two standing dead and diseased Western Hemlocks. These two trees were planted in 1973, along with a grove of Douglas Fir and Hemlocks along the north boundary of the parcel. They are located on a slope approx. 100' east of the Lake Washington shoreline. The trees have failed to thrive and over the last three years have shown no indication of life. The trees now show evidence of fungal growth.

The adjacent neighbors have contacted the applicant and raised safety concerns over the condition of the trees. Both our arborist and our neighbor's arborist have reviewed the trees on site and have stated they are clearly dead and should be removed.

We have hired an arborist / tree service to remove the trees. They plan to climb the trees and remove the trees by sections hoisted to the grade. The trunks of the trees will remain to at a Ht of 24" above grade. No motorized equipment will be used, as the site is inaccessible, other than on foot.

Please note the attached CAS (FACET, April 5 2024). This document has been provided to explain our designation of "UNKNOWN" on the Shoreline Exemption and the Development Application forms. This report finds no evidence of a watercourse on the parcel nor any wetlands. We have a Pre-Application Meeting schedule for February 3, and will submit a CAR Review I shortly after.

7671 West Mercer Way

Shoreline Exemption-Tree Removal: Project Narrative

Criteria Compliance Narrative: MICC 19.13.050 Shoreland development standards.

A. *Standards landward of the OWHM.* The standards in Table C

1. Table C — Requirements for Development Located Landward from the OWHM
 - i. Setbacks for All Structures (Including Fences over 48 Inches High) and Parking
Answer: Not applicable for the two trees under consideration for removal (See Development Plan sheet 2)
 - ii. Height Limits for All Structures
Answer: Not applicable for the two trees under consideration for removal (See Development Plan sheet 2)
 - iii. Maximum Hardscape and Lot Coverage
Answer: Location of two trees under consideration are in 100% natural wooded areas with no significant hardscape
 - iv. Minimum Land Area Requirements
Answer: Parcel meets minimum Land Area Requirements at 43,673 sqft.
 - v. Height Limits for Light Rail Transit Facilities within the Existing I-90 Corridor
Answer: Not applicable

B. *Bulkheads and shoreline stabilization structures.*

1. An existing shoreline stabilization structure may be replaced with a similar structure. .
2. New structures for existing primary structures.
3. New development on steep slopes or bluffs shall be set back sufficiently. .
4. New structural stabilization measures in support of water-dependent development . .
5. New structural stabilization measures to protect projects for the restoration of ecological functions . .
6. Bulkheads shall be located generally parallel to the natural shoreline.
Answer: Requirements B,1-6, and 8 are not applicable for the two trees under consideration either by location from the shoreline and the exemption does not involve structures, bulkheads, or shoreline stabilization.
7. Geotechnical reports pursuant to this section that address the need to prevent potential damage to a primary structure . .
Answer: The removal of the two trees will not disturb the existing slope or ground as the trunks will be left in place to a Ht of 3 feet above grade. No geotechnical report is provided for this exemption. See attached Critical Areas Report, for reference.

7671 West Mercer Way

Shoreline Exemption-Tree Removal: Project Narrative

8. When any structural shoreline stabilization measures . .

Answer: See response to B, 6 above.

C. *Transportation and parking.*

Answer: Requirements C, 1-4 are not applicable for the two trees under consideration as there is no park or transportation facilities, or roads involved with the exemption.

D. *Standards waterward of the OHWM*

E. *The covered portion of a moorage . .*

F. *Moorage facilities.*

G. *Breakwaters, jetties, groins, and weirs.*

H. *Public access piers, docks, or boardwalk.*

Answer: Requirements D - H are not applicable for the two trees under consideration as there is no waterward, moorage facilities, or public facilities of any kind.

I. *Restoration of ecological functions.*

Answer: An associated tree removal permit no. 2512-157 indicates tree replacement to support the existing grove of trees. As stated above, the roots and trunks of both trees will remain in place to minimized ground disturbance.

J. *Dredging.*

K. *Archaeological and historic resources.*

L. *Marinas.*

Answer: Requirements J - L not applicable to two trees under consideration as there is no dredging, archaeological resources or marinas of any kind.

End of Response to 19.13.050 Shoreland development standards.

WAC 173-27-040 Developments exempt from substantial development permit requirement.

(1) Application and interpretation of exemptions.

(a) Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the substantial development permit process.

(2) The following developments shall not require substantial development permits:

(a) Any development of which the total cost or fair market value, whichever is higher, does not exceed five thousand dollars, if such development does not materially interfere with the normal public use of

7671 West Mercer Way

Shoreline Exemption-Tree Removal: Project Narrative

the water or shorelines of the state . . .

Answer: The exemption application categorically meets WAC 173-27-040, (2), (a) as the total cost of the removal of the two trees is \$3,700 USD, including Washington State Sales Tax. See attached Blooma Estimate.

(b) Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment;

Answer: The exemption application categorically meets WAC 173-27-040, (2), (b). The condition of the two trees (which are in decline), and their removal clearly meet the exemptions for "normal maintenance" to prevent destruction of property (our neighbor's structures) and help to restore the original slope with replacement trees. This work directly meets the requirements of this exemption as the removal of the tree are far enough away from the shoreline to not adversely effort the shoreline recourse or environment.

End of Response to WAC 173-27-040 Developments exempt from substantial development permit requirement.