

# SEPA<sup>1</sup> Environmental Checklist

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## Purpose of checklist

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization, or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

## Instructions for applicants

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. **You may use “not applicable” or “does not apply” only when you can explain why it does not apply and not when the answer is unknown.** You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to **all parts of your proposal**, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

## Instructions for lead agencies

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

## Use of checklist for nonproject proposals

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B, plus the Supplemental Sheet for Nonproject Actions (Part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in “Part B: Environmental Elements” that do not contribute meaningfully to the analysis of the proposal.

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<sup>1</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/Checklist-guidance>

# A. Background

[Find help answering background questions<sup>2</sup>](#)

**1. Name of proposal, if applicable:**

Amendments to allow housing in existing buildings to comply with RCW 35A.21.440 and House Bill (HB) 1042.

**2. Name of applicant:**

City of Mercer Island, WA

**3. Address and phone number of applicant and contact person:**

9611 SE 36<sup>th</sup> Street

Mercer Island, WA 98040

**4. Date checklist prepared:**

April 3, 2025

**5. Agency requesting checklist:**

City of Mercer Island Washington

Department of Community Planning & Development

**6. Proposed timing of schedule (including phasing, if applicable):**

Planning Commission Public Hearing April 23, 2025

City Council first reading June 3, 2025

City Council adoption June 17, 2025

**7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.**

No

**8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.**

none

**9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.**

This is a legislative non-project action. No other applications are pending government approval.

**10. List any government approvals or permits that will be needed for your proposal, if known.**

No other government approvals are needed for this proposed non-project action.

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<sup>2</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-A-Background>

**11. Give brief, complete description of your proposal, including the proposed uses and the size of the proposal. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on proposal description.)**

This non-project action would adopt a new section of Chapter 19.06 Mercer Island City Code (MICC) to regulate new dwellings in existing buildings to comply with RCW 35A.21.440 that will become effective before June 30, 2025. The proposed amendments will comply with RCW 35A.21.440 by ensuring that the City does not:

- Impose a restriction on density for new housing in existing buildings that prevents the addition of units up to 50 percent more than what is allowed in the underlying zone;
- Require additional parking to be provided for new housing in existing buildings;
- Impose additional design standards beyond what is generally required in the applicable zone;
- Prohibit the addition of housing units in any part of a building except for ground floor commercial/retail requirements;
- Deny an application due to nonconformity regarding parking, height, setbacks, elevator size, or modulation without the code official making written findings that the nonconformity is causing a detriment to the surrounding area; and
- Require a transportation concurrency or environmental study for the addition of housing units within an existing building.

**12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed proposal, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.**

This non-project action would adopt development code amendments that apply to all zones where commercial and mixed land uses are allowed. Specifically, the TC, MF-2, PBZ, C-O, and B zones will be affected.

## **B.Environmental Elements**

### **1. Earth**

[Find help answering earth questions<sup>3</sup>](#)

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<sup>3</sup> <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-b-environmental-elements/environmental-elements-earth>

**a. General description of the site:**

Circle or highlight one: Flat, rolling, hilly, steep slopes, mountainous, other:

The proposal is a non-project proposal and does not recommend project action on a specific site.

**b. What is the steepest slope on the site (approximate percent slope)?**

This is a non-project proposal and does not recommend project action on a specific site. The proposed updates address the entire island. A variety of slopes are found throughout the island. Steep slopes occur predominantly on the perimeter of the island, with many of the steep slopes found along the sidewalls of ravines. The steepest slope within the City of Mercer Island is approximately 60 percent.

**c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them, and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.**

This is a non-project proposal. Although the proposal does not recommend project action on a specific site, future development under these updates could occur throughout the entire island. There are several soil series found on the island. The Alderwood Series is moderately to well drained. Alderwood soils on the island are located around the upper edge of the narrow plateau. Also along this edge is an area of combination of the Alderwood Series gravelly sandy loam and the Kitsap Series silt loam. Soils of Arents, Alderwood Series have properties similar to those of the Alderwood Series, but are not classified as Alderwood because the soils have been disturbed through urbanization. These soils are located on the plateau and in the area of First Hill in the northwest corner of the island. The Bellingham Series is characterized by poorly drained soils. This soil type is found in one small portion of the Town Center. The Everett-Alderwood Series is found at the southern end of the narrow plateau. The Kitsap Series consists of moderately well drained soils. These soils are found along the shoreline of the island in the valley that separates First Hill from the narrow plateau.

The Puget Series is located north of Interstate 90 near the shoreline. The Seattle Series consists of very poorly drained organic soils and is found in one location along the shoreline just north of Interstate 90. The soil classification "Ur" stands for Urban Land. This soil type is located in the northeastern corner of the island.

**d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**

This is a non-project proposal and does not recommend project action on a specific site. The proposed updates would affect future development in areas that include a wide variety of slopes, including steep slopes. Critical Lands regulations contained in Chapter

19.07 MICC provide additional restrictions and protections related to unstable soils to protect life, health, safety, property, and the environment. All project actions are required to meet the requirements of Mercer Island City Code.

- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.**

Filling and grading estimates are unknown. However, it is anticipated that most development in the city will be redevelopment within the Urban Center and therefore the need to fill, grade, and bring in fill will be limited. No filling or grading is expected as a direct result of this action. Development proposals emerging after the adoption of this update would be evaluated relative to federal, state, and local regulations and standards on an individual project-specific basis.

- f. Could erosion occur because of clearing, construction, or use? If so, generally describe.**

No erosion would result from the adoption of the proposal. Future development proposals will be evaluated and subject to the federal, state, and local regulations and standards, as well evaluated for consistency with the goals and policies of the 2024 Mercer Island Comprehensive Plan. Temporary erosion and sediment control is regulated under the City's existing stormwater regulations and adopted manual.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?**

The proposal would affect the entire City of Mercer Island, the City does not have an estimate of total impervious surface expected in the City through the 20-year planning horizon. The proposal is to amend the MICC and does not relate to a specific project. Future development proposals will be evaluated and subject to the adopted regulations and standards. In general, the development expected under the amended MICC will be temporary and will not permanently alter a project site. The City has adopted and maintains a Stormwater Management Manual (SWMM) and requires stormwater management for all permanent, new developments.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any.**

This non-project proposal, no specific development conditions are presented. Future development will conform to City standards and regulations for land disturbance in compliance with NPDES requirements.

## 2. Air

[Find help answering air questions](#)<sup>4</sup>

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the proposal is completed? If any, generally describe and give approximate quantities if known.**

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<sup>4</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-Air>

Not applicable. This is a non-project proposal and does not propose development of a specific site. However, all development related activities will be required to comply with City of Mercer Island requirements which will mitigate impacts.

**b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**

There are no off-site sources of emissions or odors which will affect this proposal.

**c. Proposed measures to reduce or control emissions or other impacts to air, if any:**

While this is a non-project action, future developments will be reviewed for environmental impacts in compliance with City of Mercer Island Code and both state and federal requirements for emissions and impacts to the air. The proposed amendments would not change how the concerns listed above are regulated so no additional mitigation measures have been developed to address this concern. Emissions are primarily regulated under state and federal law. Future project actions that may result in emissions would be reviewed under SEPA and as part of the permit process as established by RCW 36.70B. In addition, a climate change and resiliency element, consistent with the requirements in RCW 36.70A.070(9), that is designed to result in reductions in overall greenhouse gas emissions will be prepared by 2029 as required by the statute.

### 3. Water

[Find help answering water questions](#)<sup>5</sup>

**a. Surface:**

[Find help answering surface water questions](#)<sup>6</sup>

**1. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

Not applicable. This is a non-project proposal and does not propose development of a specific site. Lake Washington and several unnamed streams.

**2. Will the proposal require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**

Not applicable. This is a non-project proposal and does not propose development of a specific site. Future development projects may or may not take place within critical areas, buffers, or within the shoreline environment. Those developments will be regulated by the Shoreline Master Program and Critical Area Ordinance.

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<sup>5</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-3-Water>

<sup>6</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-3-Water/Environmental-elements-Surface-water>

- 3. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**

No fill or dredge material that would be placed in or removed from surface water or wetlands is proposed as part of the non-project proposal. Further, the City is not making any changes to adopted policies or regulations which would authorize this use beyond what current code and policy authorizes in compliance with local, state, and federal regulations.

- 4. Will the proposal require surface water withdrawals or diversions? Give a general description, purpose, and approximate quantities if known.**

This non-project action does not anticipate any surface water withdrawals or diversions.

- 5. Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.**

Not applicable. The City of Mercer Island does not lie within the 100-year floodplain. This is a non-project proposal and does not propose development of a specific site.

- 6. Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.**

This non-project action does not anticipate any discharges of waste materials to surface waters.

**b. Ground:**

[Find help answering ground water questions](#)<sup>7</sup>

- 1. Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give a general description, purpose, and approximate quantities if known.**

Not applicable. This is a non-project proposal and does not propose development of a specific site. The proposed amendments to the MICC are not expected to affect discharges to groundwater. Drinking water on Mercer Island comes from Seattle Public Utilities and is not drawn from groundwater on the island.

- 2. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.**

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<sup>7</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-3-Water/Environmental-elements-Groundwater>

Not applicable. This is a non-project proposal and does not propose development of a specific site. Mercer Island is served by a sewage collection system operated by the City. All structures with facilities for the disposal of sewage must connect to the City sewer system (MICC 15.06.060). No additional discharge to the ground from septic tanks is expected. Because new development must connect to the sewage collection system, any existing septic system is expected to be replaced with a sewer connection during the planning horizon of the Comprehensive Plan.

**c. Water Runoff (including stormwater):**

- 1. Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.**

While this is a non-project proposal, source of runoff (including storm water) is typically a derivative of development within the City of Mercer Island. However, all development is regulated by MICC 15.09 in compliance with the Clean Water Act.

- 2. Could waste materials enter ground or surface waters? If so, generally describe.**

Not applicable. This is a non-project proposal and does not propose development of a specific site. The proposal would amend the MICC to include regulations for temporary uses and structures that would not permanently alter a site. The adoption of the proposed amendments to the MICC are not expected to affect the potential flow of waste materials into ground or surface waters. New development is required to address ground and surface water in compliance with the City's SWMM and Chapter 15.09 MICC.

- 3. Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.**

It is not anticipated that the proposed amendments to the MICC will alter or otherwise affect drainage patterns in the City of Mercer Island.

- d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:**

While this is a non-project action, any development which would occur as a result of this project will be required to meet all storm water requirements as authorized by Chapter 15.09 MICC.

## 4. Plants

[Find help answering plants questions](#)

- a. Check the types of vegetation found on the site:**

- deciduous tree: alder, maple, aspen, other**
- evergreen tree: fir, cedar, pine, other**
- shrubs**

- grass
- pasture
- crop or grain
- orchards, vineyards, or other permanent crops.
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

**b. What kind and amount of vegetation will be removed or altered?**

Not applicable. This is a non-project proposal and does not propose development of a specific site. The proposal would amend the MICC to include regulations for temporary uses and structures which are not expected to permanently alter a site. The adoption of the proposed amendments to the MICC are not expected to remove or alter vegetation. New developments that might occur are required to manage vegetation in compliance with Title 19 MICC, including Chapter 19.10 MICC. This includes requirements to retain trees, landscape areas, and preserve buffers around critical area such as wetlands and watercourses.

**c. List threatened and endangered species known to be on or near the site.**

Not applicable. This is a non-project proposal and does not propose development of a specific site. Future project level SEPA review for development under these regulations may require species database searches from U.S. Fish and Wildlife Service and the Washington State Department of Natural Resources' Natural Heritage Program to identify any threatened or endangered species on or near each specific project site. All development in Mercer Island must comply with MICC 19.07.170 - Fish and wildlife habitat conservation areas. MICC 19.07.170 establishes specific protections for habitat of state- and federally-listed endangered, threatened, or sensitive species. These protections include the preparation of a wildlife habitat assessment that includes protection measures for the species that may be affected.

**d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any.**

Not applicable. This is a non-project proposal and does not propose development of a specific site. The proposal would amend the MICC to include regulations for temporary uses and structures which are not expected to permanently alter a site. The adoption of the proposed amendments to the MICC are not expected to result in new landscaping or require additional vegetation management. New developments that might occur under the Comprehensive Plan are required to manage vegetation in compliance with Title 19 MICC, including Chapter 19.10 MICC. This includes requirements to retain trees, landscape areas, and preserve buffers around critical area such as wetlands and watercourses.

**e. List all noxious weeds and invasive species known to be on or near the site.**

Not applicable. This is a non-project proposal and does not propose development of a specific site. On its website, King County maintains a list of noxious weeds found in the County ([LINK](#)).

## 5. Animals

[Find help answering animal questions](#)<sup>8</sup>

**a. List any birds and other animals that have been observed on or near the site or are known to be on or near the site.**

Examples include:

- **Birds:** hawk, heron, eagle, songbirds, other:
- **Mammals:** deer, bear, elk, beaver, other:
- **Fish:** bass, salmon, trout, herring, shellfish, other:

Not applicable. This is a non-project proposal and does not propose development of a specific site.

**b. List any threatened and endangered species known to be on or near the site.**

Not applicable. This is a non-project proposal and does not propose development of a specific site. Future project level SEPA review for development under these regulations may require species database searches from U.S. Fish and Wildlife Service and the Washington State Department of Natural Resources' Natural Heritage Program to identify any threatened or endangered species on or near each specific project site. All development in Mercer Island must comply with MICC 19.07.170 - Fish and wildlife habitat conservation areas. MICC 19.07.170 establishes specific protections for habitat of state- and federally-listed endangered, threatened, or sensitive species. These protections include the preparation of a wildlife habitat assessment that includes protection measures for the species that may be affected.

**c. Is the site part of a migration route? If so, explain.**

Not applicable. This is a non-project proposal and does not propose development of a specific site. Mercer Island is within the bird migration path referred to as the Pacific Flyway.

**d. Proposed measures to preserve or enhance wildlife, if any.**

Not applicable. This is a non-project proposal and does not propose development of a specific site. The proposed amendments to the MICC do not amend existing sections that are consistent with current regulations that emphasize the retention of existing native vegetation, including mature trees, retention of native vegetation outside of

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<sup>8</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-5-Animals>

building footprints and support development that reflects the wooded natural character of the island. All development in Mercer Island must comply with MICC 19.07.170 - Fish and wildlife habitat conservation areas. MICC 19.07.170 establishes specific protections for habitat of state- and federally-listed endangered, threatened, or sensitive species. These protections include the preparation of a wildlife habitat assessment that includes protection measures for the species that may be affected.

**e. List any invasive animal species known to be on or near the site.**

Not applicable. This is a non-project proposal and does not propose development of a specific site. The following invasive species are known in King County: European starling, house sparrow, eastern gray squirrel, fox squirrel, and feral cats.

## 6. Energy and natural resources

[Find help answering energy and natural resource questions](#)<sup>9</sup>

**a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.**

Not applicable. This is a non-project proposal and does not propose development of a specific site. The amendments to the MICC are not expected to require energy to complete the project beyond the normal energy consumption associated with City operations.

**b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.**

No. This non-project is not proposing new policies or regulations which would affect the potential use of solar energy by adjacent properties.

**c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.**

This is a non-project proposal. However, future development will be reviewed for impacts to energy and natural resources, including compliance with applicable building codes and energy code requirements.

## 7. Environmental health

[Health Find help with answering environmental health questions](#)<sup>10</sup>

**a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur because of this proposal? If so, describe.**

This is a non-project proposal. However, increased development during the 20-year planning period could increase possibilities of exposure to toxic chemicals, risk of fire

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<sup>9</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-6-Energy-natural-resou>

<sup>10</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-7-Environmental-health>

and explosion, spill, or hazardous waste. However, uses are controlled through Mercer Island City Code and building codes limit risk of building fires. All uses will be required to meet local, state, and federal regulations.

**1. Describe any known or possible contamination at the site from present or past uses.**

Although this is a non-project proposal and does not propose development of a specific site, redevelopment authorized as part of the project could result in redevelopment of buildings which contain chemicals such as lead paint or asbestos. Demolition of any buildings is required to be permitted and meet all City of Mercer Island, state, and federal requirements.

**2. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.**

Although this is a non-project proposal and does not propose development of a specific site, future development is not anticipated to have hazardous chemicals/conditions that might affect project development and design, including underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. If there are liquid and gas transmission pipelines, this would be addressed and mitigated as part of the project review process.

**3. Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.**

Although this is a non-project proposal and does not propose development of a specific site, there are hazardous chemicals that might be stored, used, or produced during a development or construction, or during the operating life of the project. All hazardous chemicals must be stored RCW 49.17. and WAC 296-155. In addition, any use that would include hazardous material storage would be evaluated for compliance with Mercer Island City Code.

**4. Describe special emergency services that might be required.**

While this is a non-project proposal and does not propose development of a specific site, emergency services would include the City of Mercer Island Police Department and Eastside Fire and Rescue.

**5. Proposed measures to reduce or control environmental health hazards, if any.**

While is a non-project proposal and does not propose development of a specific site, future development will be required reduce or mitigate environmental health hazards as authorized by City of Mercer Island Code and state and federal regulations. Actual measures would depend on the specific proposal.

**b. Noise**

**1. What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?**

There are no known noises which would impact the ability for development associated with the comprehensive plan update. All noise impacts would be mitigated through RCW 70A.20 and WAC 173-60 as further modified in the noise regulations adopted in Chapter 8.24 MICC.

**2. What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site)?**

Any project level noise is regulated in the City of Mercer Island by Chapter 8.24 MICC. Noise would typically be associated with construction which will occur during the 2024-2044 planning period in order to accommodate housing and employment targets.

**3. Proposed measures to reduce or control noise impacts, if any:**

All noise impacts would be mitigated through RCW 70A.20 and WAC 173-60 as further modified in the noise regulations adopted in Chapter 8.24 MICC.

## 8. Land and shoreline use

[Find help answering land and shoreline use questions](#)<sup>11</sup>

**a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.**

Not applicable. This is a non-project proposal and does not propose development of a specific site. There are a mix of residential, commercial, institutional, and recreational land uses throughout the City. The MICC amendments will include some changes to the uses and structures that are allowed in the public right-of-way and on private property. These uses and structures are temporary and are not expected to permanently alter a site. These amendments are accompanied by development standards to reduce, mitigate, and avoid potential conflicts with neighboring land uses.

**b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses because of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?**

These amendments to the MICC will not result in the conversion of agricultural or forest lands of long-term significance. There are no working farmlands or forest lands of significance on Mercer Island.

**1. Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversized equipment access, the application of pesticides, tilling, and harvesting? If so, how?**

No.

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<sup>11</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-8-Land-shoreline-use>

**c. Describe any structures on the site.**

There are a mixture of residential, industrial/business, and commercial buildings within the City of Mercer Island.

**d. Will any structures be demolished? If so, what?**

No.

**e. What is the current zoning classification of the site?**

The current zoning in the City includes:

B: Business, C-O Commercial Offices, PBZ Planned Business Zone, R-8.4 Residential 8,400 sq. ft. lot, R-9.6 Residential 9,600 sq. ft. lot, R-12 Residential 12,000 sq. ft. lot, R-15 Residential 15,000 sq. ft. lot, MF-2 Multi-Family Maximum density 38 units/acre MF-2L, Multi-Family Maximum density 26 units/acre, MF-3 Multi-Family Maximum density 26 units/acre, TC Town Center, and PI Public Institution.

**f. What is the current comprehensive plan designation of the site?**

The Land Use Element establishes seven land use designations throughout the City: Commercial Office, Linear Park (I-90), Multi-Family, Neighborhood Business, Open Space, Park, Public Facility, Single Family, and Town Center.

**g. If applicable, what is the current shoreline master program designation of the site?**

Within the City of Mercer Island, there are two shoreline designations. They are Urban Park environment and Urban Residential environment.

**h. Has any part of the site been classified as a critical area by the city or county? If so, specify.**

Yes. The City of Mercer Island has designated critical areas regulations in compliance with GMA requirements.

**i. Approximately how many people would reside or work in the completed project?**

Not applicable. This is a non-project proposal and does not propose development of a specific site.

**j. Approximately how many people would the completed project displace?**

Not applicable. This is a non-project proposal and does not propose development of a specific site. Displacement impacts would need to be evaluated at the time a site is redeveloped.

**k. Proposed measures to avoid or reduce displacement impacts, if any.**

Not applicable. This is a non-project proposal and does not propose development of a specific site.

**l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.**

This non-project is an amendment to the MICC to include regulations for temporary uses and structures that are not expected to permanently alter a site.

**m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:**

Not applicable. There are not agricultural or forest lands in the City of Mercer Island.

## 9. Housing

[Find help answering housing questions](#)<sup>12</sup>

**a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.**

Not applicable. This is a non-project proposal that does not include the development of a specific site.

**b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.**

No housing units will be eliminated as a direct result of this non-project action.

**c. Proposed measures to reduce or control housing impacts, if any:**

No housing impacts are expected.

## 10. Aesthetics

[Find help answering aesthetics questions](#)<sup>13</sup>

**a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**

Not applicable. This is a non-project proposal. The development code limits the height of structures in the City, with the 63 feet being the tallest structure allowed (MICC 19.11.030(A)(1)).

**b. What views in the immediate vicinity would be altered or obstructed?**

Not applicable. This is a non-project proposal.

**c. Proposed measures to reduce or control aesthetic impacts, if any:**

Not applicable. This is a non-project proposal. Future development will be reviewed for aesthetic impacts. Aesthetic impacts are controlled by the design standards in Chapters 19.11 and 19.12 MICC.

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<sup>12</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-9-Housing>

<sup>13</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-10-Aesthetics>

## 11. Light and glare

[Find help answering light and glare questions](#)<sup>14</sup>

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?**

Not applicable. This is a non-project proposal and does not propose development of a specific site.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?**

Not applicable. This is a non-project proposal and does not propose development of a specific site.

- c. What existing off-site sources of light or glare may affect your proposal?**

Not applicable. This is a non-project proposal and does not propose development of a specific site.

- d. Proposed measures to reduce or control light and glare impacts, if any:**

None. This is a non-project proposal. Future development will be reviewed for aesthetic impacts.

## 12. Recreation

[Find help answering recreation questions](#)

- a. What designated and informal recreational opportunities are in the immediate vicinity?**

Not applicable. This is a non-project proposal and does not propose development of a specific site. The City has a system of parks and open space within its boundaries. This system includes 27 City parks and 15 City-managed open spaces. In addition to City-owned and -managed parks and open space. There are private organizations such as homeowners' associations and membership organizations that own and operate recreational lands and facilities throughout the Island.

- b. Would the proposed project displace any existing recreational uses? If so, describe.**

Not applicable. This is a non-project proposal and does not propose development of a specific site.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:**

Not applicable. This is a non-project proposal that does not propose development of a specific site.

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<sup>14</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-11-Light-glare>

### 13. Historic and cultural preservation

[Find help answering historic and cultural preservation questions](#)<sup>15</sup>

- a. **Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.**

One landmark is designated as historic by the City of Mercer Island: the VFW Hall located at 1836 72nd Ave SE.

- b. **Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.**

Not Applicable. This is a non-project proposal and does not propose development of a specific site. The proposal involves a City-wide non-project legislative action. There are landmarks, features, and evidence of Indian or historic use or occupation on Mercer Island. This is evaluated by the City of Mercer Island when a project is submitted it is evaluated through the Washington State DAHP database/WISAARD map viewer. There are also processes in place when inadvertent discovery occurs.

- c. **Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.**

Review of Washington State DAHP database/WISAARD map viewer. The amendments to the MICC are not expected to affect cultural or historical resources directly. Future changes or developments will be evaluated separately.

- d. **Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.**

Not applicable. This is a non-project proposal and does not propose development of a specific site. No disturbances to resources will directly result from adoption of this amendment. Future development will be evaluated separately from this non-project proposal. There are landmarks, features, and evidence of Indian or historic use or occupation on Mercer Island. This is evaluated by the City of Mercer Island when a project is submitted it is evaluated through the Washington State DAHP database/WISAARD map viewer. There are also processes in place when inadvertent discovery occurs.

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<sup>15</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-13-Historic-cultural-p>

## 14. Transportation

[Find help with answering transportation questions](#)<sup>16</sup>

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.**

Interstate-90 (I-90) runs through the northern portion of Mercer Island.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?**

Metro and Sound Transit provide transit service to the City of Mercer Island and the Puget Sound region. Sound Transit operates routes to Seattle and Bellevue, serving passengers at the Mercer Island Park and Ride adjacent to I-90. Metro Transit provides local service in addition to service to locations off-Island. The Sound Transit Link Light Rail Station is under construction and will provide additional transit options for Mercer Island and neighboring jurisdictions.

- c. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle, or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).**

Transportation improvement projects are outlined in the Comprehensive Plan and will be evaluated separately as they are completed.

- d. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.**

While this is a non-project proposal and does not propose development of a specific site, future development and people living in Mercer Island will utilize light rail when it opens in 2025. Transportation via water and air is limited to private boats and planes.

- e. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?**

Not applicable. This is a non-project proposal and does not propose development of a specific site. Car trips per day generated by individual projects will be evaluated on a per-application basis.

- f. Will the proposal interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.**

No.

- g. Proposed measures to reduce or control transportation impacts, if any:**

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<sup>16</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-14-Transportation>

The Comprehensive Plan outlines policies to guide transportation improvements for a 20-year period. The City will address transportation impacts through site-specific SEPA review and through implementation of the Transportation Improvement Program and Capital Improvement Program.

## 15. Public services

[Find help answering public service questions<sup>17</sup>](#)

- a. **Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.**

This is a non-project action that is not expected to increase the need for public services due to the temporary nature of the proposed allowed uses and structures.

- b. **Proposed measures to reduce or control direct impacts on public services, if any.**

Any future developments related to the proposed MICC amendment will be analyzed for potential impacts on public services as part of the review process. Through proportional mitigation and measures such as parks, school, and road impact fees, projects will mitigate impacts on public services.

## 16. Utilities

[Find help answering utilities questions<sup>18</sup>](#)

- a. **Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:**

All of the above-listed utilities serve the City.

- b. **Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.**

All services will be available per the policies and plans specified in the Utilities Element and the Capital Facilities Element of the Comprehensive Plan. The proposal to amend the MICC is a non-project proposal and, as such, does not affect a specific site.

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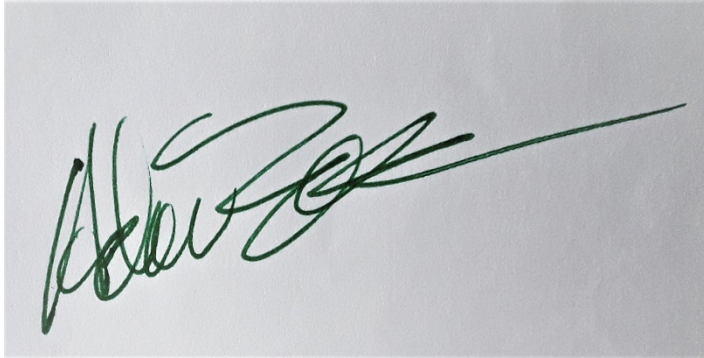
<sup>17</sup> <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-b-environmental-elements/environmental-elements-15-public-services>

<sup>18</sup> <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-b-environmental-elements/environmental-elements-16-utilities>

## C. Signature

[Find help about who should sign](#)<sup>19</sup>

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

A photograph of a handwritten signature in green ink on a light-colored background. The signature is stylized and appears to read 'Adam Zack'.

**Type name of signee:** Adam Zack

**Position and agency/organization:** Principal Planner, Community Planning & Development, City of Mercer Island, WA

**Date submitted:** April 7, 2025

## D. Supplemental sheet for nonproject actions

[Find help for the nonproject actions worksheet](#)<sup>20</sup>

**Do not** use this section for project actions.

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

- 1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?**

The proposal would allow the construction of new dwelling units in existing buildings where commercial and mixed-uses are allowed in compliance with HB 1042. The development that would be authorized by the proposed regulations is similar to a change of use rather than establishing a new use or construction of a new building. As such, the proposal is not expected to increase the discharge to water and emissions to air, influence the production,

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<sup>19</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-C-Signature>

<sup>20</sup> <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-d-non-project-actions>

storage and release of toxic substances, or produce additional noise beyond what is already allowed by the development code.

- **Proposed measures to avoid or reduce such increases are:**

The proposal is not expected to increase discharge to water, emission to air, handling of toxic substances, or noise. Any development authorized by the proposed development code amendment would be required to undergo environmental review consistent with Chapter 19.21 MICC to ensure that the impacts of the proposed development would be addressed.

**2. How would the proposal be likely to affect plants, animals, fish, or marine life?**

The proposal would allow the construction of new dwelling units in existing buildings where commercial and mixed-uses are allowed in compliance with HB 1042. The development that would be authorized by the proposed regulations is similar to a change of use rather than establishing a new use or construction of a new building. As such, it is not expected to affect plants, animals, fish, or marine life beyond what is already allowed by the development code.

- **Proposed measures to protect or conserve plants, animals, fish, or marine life are:**

The proposal is not expected to affect plant, animal, fish, or marine life. Any development authorized by the proposed development code amendment would be required to undergo environmental review consistent with Chapter 19.21 MICC to ensure that the impacts of the proposed development would be addressed.

**3. How would the proposal be likely to deplete energy or natural resources?**

The proposal would allow the construction of new dwelling units in existing buildings where commercial and mixed-uses are allowed in compliance with HB 1042. The development that would be authorized by the proposed regulations is similar to a change of use rather than establishing a new use or construction of a new building. As such, it is not expected to deplete energy or natural resources beyond what is already allowed by the development code.

- **Proposed measures to protect or conserve energy and natural resources are:**

The proposal is not expected to deplete energy or natural resources. Any development authorized by the proposed development code amendment would be required to undergo environmental review consistent with Chapter 19.21 MICC to ensure that the impacts of the proposed development would be addressed.

**4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?**

The proposal would allow the construction of new dwelling units in existing buildings where commercial and mixed-uses are allowed in compliance with HB 1042. The proposed amendment would not amend any zoning district boundaries. As such, it is not expected to impact designated environmentally sensitive areas beyond what is already allowed by

the development code. All development is subject to Chapter 19.07 MICC, which establishes regulations for critical areas including wetlands and habitat. The City is entirely within the King County Metropolitan Urban Growth Area (UGA) and does not have any prime farmlands or other natural resource lands of commercial significance.

- **Proposed measures to protect such resources or to avoid or reduce impacts are:**

The proposal is not expected to impact designated environmentally sensitive areas. Any development authorized by the proposed development code amendment would be required to undergo environmental review consistent with Chapter 19.21 MICC to ensure that the impacts of the proposed development would be addressed. All development authorized by the proposed development code would also be subject to Chapter 19.07 MICC, which establishes regulations for critical areas including wetlands and habitat.

**5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?**

The proposal would allow the construction of new dwelling units in existing buildings where commercial and mixed-uses are allowed in compliance with HB 1042. This means that residential uses will be allowed in the PBZ, B, and C-O zones, where they were previously limited. All three of these zones are surrounded by residential zones so the residential use of existing structures should have negligible impacts on the neighboring zones and may even increase compatibility by allowing residential uses to be interspersed in previously exclusively commercial zones. No impact to the TC and MF-2 zones is expected because these zones already allow multifamily and mixed-use development.

No impacts on the shoreline are expected because the zones where new dwellings in existing buildings will be allowed are not in shoreline jurisdiction.

- **Proposed measures to avoid or reduce shoreline and land use impacts are:**

The proposal is not expected to impact land and shoreline uses. Any development authorized by the proposed development code amendment would be required to undergo environmental review consistent with Chapter 19.21 MICC to ensure that the impacts of the proposed development would be addressed. All development authorized by the proposed development code would also be subject to Chapter 19.13 MICC, which establishes regulations for the shoreline jurisdiction.

**6. How would the proposal be likely to increase demands on transportation or public services and utilities?**

The proposal would allow the construction of new dwelling units in existing buildings where commercial and mixed-uses are allowed in compliance with HB 1042. The development that would be authorized by the proposed regulations is similar to a change of use in an existing building rather than establishing a new use or construction of a new building. As such, it is not expected to significantly change demands on transportation, public services or utilities.

- **Proposed measures to reduce or respond to such demand(s) are:**

The proposal is not expected to change demand for transportation, public services, or utilities because the land uses authorized would take place in existing buildings. Any development authorized by the proposed development code amendment would be required to undergo environmental review consistent with Chapter 19.21 MICC to ensure that the impacts of the proposed development would be addressed.

**7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.**

The proposal is not expected to conflict with local, state, and federal environmental laws.