



CITY OF MERCER ISLAND

9611 SE 36th Street • Mercer Island, WA 98040-3732
(206) 275-7605 • FAX (206) 275-7726
www.mercergov.org

November 28, 2018

Benny Kim
74145 Lake Ballinger Way
Edmonds, WA 98026
Via email

Re: Second Review Letter for CAO18-003 - Critical areas Determination
Regarding: possible piped watercourse and the type IV wetland located at 8114 West Mercer Way Mercer Island, WA 98040; Parcel ID: 33585-00974

Dear Benny Kim,

The City has completed the second round of review for CAO18-003 Critical Areas Determination. Following review of the application, City staff has determined that additional information is necessary to ensure compliance with the Mercer Island City Code (MICC) and to continue processing of the application. Required information and corrections are detailed below.

Land Use Review Comments:

1. Please state how the proposal is SEPA exempt. If SEPA is required, please apply for a SEPA Determination. From looking at the proposal, due to there being a wetland present on-site, the proposal seems to trigger a SEPA determination per WAC 197-11-800(1)(a)(i) as the site is partly covered by water.

Please note: Review of permit number CAO18-003 can't resume until the above specified information is received and building permit 1401-022 cannot be issued until the required land use applications have been issued (CAO18-003 and the future SEPA application). In addition, a financial surety will be required prior to construction permit issuance, whether it be a bond or assignment of funds, of 150% of the total provided on the BQW. This will be a condition of approval for CAO18-003. ESA reviewed the recent resubmittal and agreed with Westech's findings and found that their recommendations were adequately addressed (Attachment A).

Please do not hesitate to contact me at 206-275-7704 or via email at lauren.anderson@mercergov.org if you have any questions.

Sincerely,

Lauren Anderson, Assistant Planner
City of Mercer Island's Community Planning & Development

Enclosed: Attachment A: ESA Second Review Memo for CAO18-003



5309 Shilshole Avenue, NW
Suite 200
Seattle, WA 98107
206.789.9658 [phone](#)
206.789.9684 [fax](#)

www.esassoc.com

Attachment A

memorandum

date November 27, 2018

to Lauren Anderson, Assistant Planner

from Jessica Redman, Ecologist

subject Lee Residence (CAO18-003) Critical Areas Review – Revised Submittal Documents

Environmental Science Associates (ESA) has prepared this memorandum on behalf of the City of Mercer Island (City). The purpose of this memo is to verify the accuracy of the findings within the critical areas study submitted with the application for CAO18-003 and to confirm whether the proposed project complies with Mercer Island City Code (MICC) Chapter 19.07 – *Environment*. ESA reviewed the *Final Wetland Mitigation and Monitoring Plan* (dated September 2018 and prepared by Westech Company) for the property located at 8114 West Mercer Way. The applicant proposes to construct an approximately 4,000 square foot single family residence on the currently undeveloped parcel. According to the *Final Wetland Mitigation and Monitoring Plan* (hereinafter referred to as the Final Plan) one wetland (Wetland A) was delineated on site. The wetland was categorized as a Category IV wetland which is allotted a 35-foot buffer per MICC 19.07.080.C. The project proposes to reduce the standard 35-foot wetland buffer to 25 feet.

ESA has reviewed critical areas on this parcel before and site visits were conducted on November 3, 2017 and June 18, 2018. Findings were submitted to the City in two technical memorandums titled *Lee Residence (1401-022) – Critical Area Determination to Verify a Watercourse* (dated November 15, 2017) and *Lee Residence (CAO18-003) Critical Areas Review* (dated July 26, 2018). In these memorandums, ESA agreed with the delineated boundary and categorization of Wetland A. We also agree that no watercourses occur on the site. However, in the July 26, 2018 memorandum, ESA provided several recommendations that would ensure that the project complies with MICC Chapter 19.07. These recommendations included the following:

- We recommended the driveway be reconfigured to minimize impacts to the wetland. If not practical to reconfigure the driveway, we recommend that trees and/or shrubs be planted along the northern edge of the driveway to protect the wetland to the extent possible.
- We recommended that the house be designed or reconfigured to avoid the impacts to the reduced buffer.
- If the footprint of the house cannot practically avoid impacts to the reduced buffer, the City has offered the applicant a “paper fill” option whereby wetland mitigation may be used to offset buffer impacts

- In addition to the proposed buffer addition and buffer enhancement, we recommended wetland enhancement in the southern portion of the wetland where reed canarygrass is dominant.
- We recommended that the applicant should submit a critical areas report that meets the requirements of MICC 19.07.050.C.
- We recommended that additional information be provided on the “small wet area” on the west side of the parcel to document that this area does not meet wetland criteria according to the federal methods.

In response to ESA’s recommendations in the July 26, 2018 memorandum, the applicant provided the Final Report that addressed all recommendations and is consistent with the requirements of MICC 19.07.050.C. To this end, driveway dimensions were reduced and the house was reconfigured and is now located outside of the reduced buffer. The Final Report includes a detailed mitigation and monitoring plan that enhances Wetland A to compensate for its reduced buffer, resulting in no net loss of ecological functions. The Final Report also includes documentation that the “small wet area” located on the west side of the property is dominated by upland vegetation and therefore, is not wetland. ESA has concluded that our comments and recommendations presented in our July 26, 2018 memorandum have been accurately and sufficiently addressed in the Final Report and the proposed project complies with MICC Chapter 19.07.