

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | www.mercergov.org



April 23, 2020

George Steirer
7233 Douglas Ave SE
Snoqualmie, WA 98065
george@plantopermit.com

via: email

RE: Review Comments for File No. CAO19-01 Klein – Critical Area Review 2
74XX SE 38th St, Mercer Island, WA 98040; King County Tax Parcel # 362350-0226

Dear Mr. Steirer:

The City of Mercer Island has reviewed the above referenced application for a critical area review for the property located at 74XX SE 38th St (King County parcel # 362350-0226). City staff has determined that additional information is necessary to ensure compliance with the Mercer Island City Code (MICC) and to continue processing the application. The following information is requested to continue processing the application:

1. A significant amount of public comment was received for this application. Please review the public comments at this link: [https://mieplan.mercergov.org/public/CAO19-015/Public Comments/](https://mieplan.mercergov.org/public/CAO19-015/Public%20Comments/).
2. The public comments mention issues such as requests to narrow the road, preservation of exceptional trees and fruit bearing trees that provide a food source for wildlife, and the possibility of proposed retaining walls blocking access to a property. Please address these issues and provide a solution.
3. Please note that due to the completeness date of the application, this review is subject to the newest critical area ordinance adopted as Chapter 19.07 of MICC, effective July 29, 2019. Please ensure that all reports address the requirements of the new regulations.
4. An active eagle nest tree is located adjacent to the subject property to the east. Other active eagle nest trees are within a close vicinity. Pursuant to MICC 19.07.170(A)(3), areas used by bald eagles for foraging, nesting, and roosting, or within 660 feet of a bald eagle nest are fish and wildlife habitat conservation areas. Pursuant to MICC 19.07.170(B), when a development is proposed within a fish and wildlife habitat conservation area, a wildlife habitat assessment in the form of a critical area study prepared by a qualified professional is required. Please submit said report.
5. The plans currently show a stormwater system that uses dispersion. The City engineer reviewers have determined that dispersion will not be allowed, and that the stormwater systems must be

tightlined. The tightline infrastructure will likely be constructed within the vicinity of a watercourse and wetland and their associated buffers. Please expand the wetland and watercourse reconnaissance report to include all areas where off-site work will occur. Please provide a wetland and watercourse delineation. Please submit documentation as required by MICC 19.07.180 and MICC 19.07.190 for installation of said infrastructure. Please note that if the wetland is not an isolated Category IV wetland less than 4,000 square feet, and the wetland cannot be avoided, a Reasonable Use Exception may need to be obtained for this project.

6. Please apply for SEPA review because construction of the stormwater infrastructure will occur on “lands covered by water”.
7. When addressing how the requirements of mitigation sequencing in MICC 19.07.100 are being met for all improvements on private property including the roadway, house, and utilities, please note that there is an option of a setback deviation (MICC 19.06.110) that may allow development to occur within yard setbacks to avoid critical areas.
8. Show driplines of all trees according to Arborist report measurements.
9. Provide tree protection plan/direction from Arborist for all work proposed within saved trees driplines.
10. Position catch basins and bore pits outside trees dripline. Call out bore/tunnel utilities within saved trees dripline when cannot be avoided.
11. Show tree protection at limits of disturbance or driplines from Arborist Report.
12. Tree Inventory Worksheet indicated 33% of existing trees to be retained. However, several trees have disturbance for foundation within limits of disturbance. These trees may have to be removed with the current plan. This would drop you below the required amount of 30% retained trees per MICC19.10.060.A.2.a.
13. Show on plans trees proposed for removal with an X through trees.
14. Identify Exceptional trees using different symbols for trees less than 24 inches and trees greater than or equal to 24 inches.
15. Limits of excavation near potential saved trees (e.g. excavation limits for building foundation). Air excavation should be used to determine limits of disturbance within saved trees driplines. This will be done under Certified Arborist supervision. And have Project Arborist follow up to determine final limits of disturbance. Or how close you can excavate/compact near saved trees. This shall be used near right of way trees and on site exceptional trees. This is very important since you are so close to the 30% threshold of required retained trees.
16. Plans show removal of exceptional trees. These removals must be justified under (MICC 19.10.060(A)(3)). Removal of trees on city property must be justified as well. A narrative on why the trees must be removed and if alternative methods were explored.

17. Driveway will need to meet minimum standards of 19.07 and IFC Fire access. If the fire access standards cannot be met code alternative requests will need to be made and approved in order to build. Information on code alt requests may be found on our website. Road design standards may be found under MI Code 19.09.040. Fire Access Road Standards may be found in the IFC or at our website. Fire Plan review for the residence will include access, grade, distance from a fire hydrant, available fire flow and turn-around access.
18. In addition to the above review comments, additional review comments have been provided on the project plans. Instructions for accessing and responding to these comments have been provided under separate cover.

Comments that will apply to a future building permit

1. Call out 6' Chain link fence secured into ground for all exceptional trees.
2. Proposed locations of any required replacement trees in a replanting plan. All tree should be at least 10' from each other, existing trees and structures. Trees should be at least 50% native trees. For trees unable to be planted on site a fee in lieu for each replacement will need to be paid. This fee is approximately \$500/tree.
3. This permit review was not evaluated for building or fire code compliance. This will be conducted at the time of building plan submittal.

Pursuant to Mercer Island City Code 19.15.110(B), if the applicant fails to provide the required information within 120 days from the date of this notice, the code official may cancel the land use review for inactivity if no extension has been authorized. I may be contacted by phone at 206-275-7719 or via e-mail at nicole.gaudette@mercergov.org .

Sincerely,



Nicole Gaudette, Senior Planner
City of Mercer Island Community Planning & Development