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AOA

Environmental
Planning &
Landscape
Architecture



May 18, 2022

AOA-6234

Greg Arms
greg@milestonenw.com

**SUBJECT: Critical Areas Study for Milestone Preliminary Short Plat
7621 SE 22nd Street, Mercer Island WA (Parcel 531510-1846)
City File #s SUB21-006, CAO21-004 and SEP21-022**

Dear Greg:

We have prepared this critical areas study to address Land Use Planning Comment 7 in the March 11, 2022 Request for Information 31 letter from the City of Mercer Island.

Existing Critical Areas

One Type F watercourse is located off-site to the east on King County Waste Water property (Parcel 531510-0945). This watercourse was recently delineated and described as part of the North Mercer Pump Station improvement project (CAO19-020). Type F watercourses in the City of Mercer Island require a standard 120-foot buffer per MIMC 19.07.180.C.1.

The standard 120-foot buffer from the off-site stream extends into the northeast corner of proposed Lot 2 on the subject property. The area of buffer on the site consists primarily of old yard area vegetated with ornamental rhododendron, grasses, bracken fern (*Pteridium aquilinum*), dandelion (*Taraxacum officinale*), common horsetail (*Equisetum arvense*), creeping buttercup (*Ranunculus repens*), and a few scattered trees.

The on-site portion of the watercourse buffer is currently separated from the stream by both the paved access road to the existing pump station facility as well as a second paved access road for the residence located at 7627 SE 22nd Street.



Existing paved access road separating on-site portion of buffer at right from off-site watercourse.



View of existing paved access drive to pump station.

Functional Assessment

Stream buffers in general provide key functions including shade and temperature regulation, flood conveyance, water quality protection and pollutant removal, nutrient cycling, sediment transport, bank stabilization, woody debris recruitment, wildlife habitat, and microclimate control. The remnant portion of the stream buffer on the site, however, is generally not able to provide these functions due to its separation from the watercourse by two paved access roads that interrupts the buffer functions. Furthermore, it is my understanding that a buffer enhancement plan has already been designed for the off-site buffer located on the King County property.

Structure Setback Reduction

The proposed project was initially proposing to use buffer averaging for the encroachment of the stream buffer into proposed Lot 2. However, the use of buffer averaging requires that the project first conduct mitigation sequencing per MICC 19.07.100.

- A. *Avoiding the impact altogether by not taking a certain action or parts of an action. The applicant shall consider reasonable, affirmative steps and make best efforts to avoid critical area impacts. However, avoidance shall not be construed to mean mandatory withdrawal or denial of the development proposal or activity if the proposal or activity is an allowed, permitted, or conditional use in this title. In determining the extent to which the proposal should be redesigned to avoid the impact, the code official may consider the purpose, effectiveness, engineering feasibility, commercial availability of technology, best management practices, safety and cost of the proposal and identified changes to the proposal. Development proposals should seek to avoid, minimize and mitigate overall impacts based on the functions and values of all of the relevant critical areas and based on the recommendations of a critical area study. If impacts cannot be avoided through redesign, use of a setback deviation pursuant to section 19.06.110(C), or because of site conditions or project requirements, the applicant shall then proceed with the sequence of steps in subsections B through E of this section;*

As part of mitigation sequencing, it is my understanding that the project has been re-designed to avoid the need for buffer averaging through the utilization of a structure setback deviation as required by the mitigation sequencing process. Under the current project, the required 10-foot structure setback would be reduced adjacent to the proposed structure on Lot 2 such that there will no longer be any encroachment into the buffer and all buffer impacts have been eliminated. A smaller structure setback that still allows access around the building without encroachment into the buffer will be provided.

Structure setback deviations must meet the requirements of MIMC 19.06.110(C):

C. Setback deviations.

1. Purpose. The purpose of a setback deviation is to increase protection of a critical area or critical area buffer. A setback deviation provides flexibility in designing a development proposal to allow for increased protection of critical areas or critical area buffer.

2. Criteria. A setback deviation shall be granted by the city only if the applicant demonstrates all of the following:

a. No use deviation shall be allowed;

No use deviation is proposed.

b. The granting of the deviation will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the property is situated;

The deviation will not be materially detrimental to the public welfare or impact any adjacent properties.

c. The granting of the deviation will not alter the character of the neighborhood, nor impair the appropriate use or development of adjacent property;

The deviation will not alter the character of the neighborhood or impact any adjacent properties.

d. The deviation is consistent with the policies and provisions of the comprehensive plan and the development code;

The deviation is consistent with the policies of the comprehensive plan and development code which stress avoiding buffer impacts whenever feasible.

e. The basis for requesting the deviation is not the direct result of a past action by the current or prior property owner;

The basis for requesting the deviation is to avoid impacts to the stream buffer and is not a result of past action by the property owner.

f. The setback deviation is associated with the approval of development of a single lot or subdivision that is constrained by critical areas or critical area buffers;

The setback deviation is associated with a subdivision that is constrained by a stream buffer.

- g. The building pad resulting from the proposed deviation will result in less impact to critical areas or critical area buffers; and*

The structure setback deviation will allow for the avoidance of encroachment into the stream buffer

- h. Yard setbacks shall not be reduced below the following minimums:*

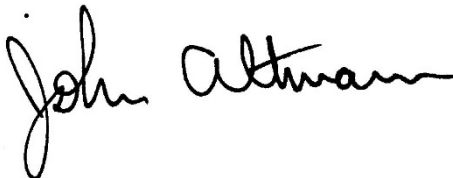
- i. Front and rear setbacks may not be reduced to less than ten feet each;*
- ii. Side setbacks may not be reduced to less than five feet.*

The deviation is a structure setback that will not impact the minimum yard setbacks.

If you have any questions, please give me a call.

Sincerely,

ALTMANN OLIVER ASSOCIATES, LLC

A handwritten signature in black ink that reads "John Altmann". The signature is written in a cursive, flowing style.

John Altmann
Ecologist

Attachment