



## CITY OF MERCER ISLAND, WASHINGTON

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Scott Vandever [Scottv@krekowjennings.com]  
(sent via email)

Subject: Notice of Decision for DEV23-014; SDL Waiver, 6838 96<sup>th</sup> Ave SE, New SF  
Re: Application for Waiver to Seasonal Development Limitation on Critical lands.

Dear Scott:

This letter is in response to your request for a waiver to the seasonal development limitation for the subject property. Based upon the submitted material and site conditions your request for a waiver to the Seasonal Development Limitation is approved subject to the following conditions:

- As discussed with the project team onsite, the retention of existing vegetation and hard surfaces shall be maximized throughout the wet season. Specifically, **there shall be NO disturbance beyond the immediate foundation area and other site work shall be deferred until after the wet season** (April 1, 2024, unless prior approval is obtained from the City based upon a revised grading and erosion control plan).
- All earthwork must be performed under the direction of your Geotechnical Engineer and comply with the recommendations of their Geotechnical report and subsequent geotechnical letters.
- Geotechnical inspections are required as established within the geotechnical report, approved plans and subsequent letters; including but not limited to the following:
  1. Temporary Sediment & Erosion control measures, including the geotechnical engineer's review for effective operation of proposed Baker tank system, etc.
  2. Develop and implement a monitoring plan of adjacent properties.
  3. Observe & monitor excavations.
  4. Observe pile placement.
  5. Verification of adequate soil bearing.
  6. Observe subsurface drainage placement.
- The geotechnical engineer shall confirm the wet season grading measures within the submitted erosion control plan and geotechnical documents are implemented under their direction and provide for effective mitigation.

- At a minimum, the erosion control principles following this letter shall be in effect (unless these standards are contradictory or inferior to erosion control measures proposed by the Geotechnical Engineer).
- The City shall receive routine reports from the Geotechnical Engineer indicating that all slope stability and erosion control measures are in place and functioning adequately.
- The Geotechnical Engineer shall monitor the site during any significant earth disturbing activity or any significant rainfall. Their recommendations for erosion control and slope stability measures shall be in place at the end of each workday.
- No additional vegetation shall be removed during the “Seasonal Development Limitation” period from October 1 to April 1. Further, no additional vegetation shall be removed without prior written approval by the City Arborist.
- The following detailed information shall be on the job site and kept up to date:
  1. Soil report(s), observations and inspection reports.
  2. Storm water plan.
  3. Erosion control plan. Include detailed information on fabric filter fence ("silt fence") placement and construction, protection of construction access road, location of spoils and erosion protection methods, erosion protection of exposed ground, etc.
  4. An updated construction schedule and duration. This is to be based upon all site and foundation work to the point where the foundation is complete, backfill is in, and all erosion control methods are completely and properly installed.
  5. Emergency procedures in the event of natural or man-made disasters; Emergency procedures. This is a written description that you will assemble which describes actions to be taken at your building site in the event of natural or man-made disasters such as a landslide or erosion control problem. Priority actions and who is to be contacted including the general contractor, excavation sub-contractor city police, fire department, maintenance department and building department (Development Services Group) must be listed. Include all phone numbers. Keep this document with the building permit on-site at all times.
  6. Disposal of excavation and construction spoils; Describe how excavation and construction spoils will be disposed. This can be written onto your site plan by indicating where off of Mercer Island the soil is being taken. Your excavated soil may not be taken to any other location on Mercer Island without first obtaining a grading permit from the city for each receiving site.

The City of Mercer Island reserves the right to enforce the Seasonal Development Limitation section of the City ordinance if the previous items are not satisfactorily resolved/maintained or the conditions at the site result in slope stability or erosion control problems for adjacent properties.

Pursuant to MICC 19.15.030, the City does not produce formal notices of decision for Type II applications. Therefore, this letter constitutes the decision for the subject application.

Should you have any questions, please do not hesitate to contact any of the City staff involved in the review of this waiver.

Sincerely,

Don Cole  
Building Official  
City of Mercer Island – Community Planning & Development

Cc: Patrick Yamashita

If you wish to appeal this decision, please refer to Mercer Island City Code 19.15.130. You will be required to submit a written appeal and file it with the City Clerk within 14 days from the issuance of this decision. Appeal forms are available from the Community Planning and Development Department, and payment of appeal fee is also required. Upon receipt of a timely complete written appeal and appeal fee, an appeal hearing will be scheduled by the City.

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**Minimum Site Requirements - Temporary Erosion and Sediment Control (Site Winterization):**

The following erosion and sediment control requirements shall be implemented. Complete descriptions of BMPs (Best Management Practices) can be found in the Department of Ecology Stormwater Management Manual. Descriptions of additional BMPs related specifically in application to individual projects shall be as designed by the Geotechnical Engineer of record.

**Minimum requirement #1: Stabilization and Sediment Trapping.**

The contractor shall stabilize all exposed soils. All soil areas shall remain stabilized for any length of time between October 1st and April 1st. Immediate protection for all exposed soils shall be provided during construction/excavation. Matting shall be used on all extended steep slope areas near waterways. Temporary rock check dams will be installed in application of protection of land use construction area in accordance to work area stabilization. Land areas exposed shall be stabilized by temporary seeding and/or mulching applicable to wet weather applications. Only wood fiber mulch is acceptable in critical sensitive areas, DO NOT USE Fertilizers. Existing channels shall be stabilized.

**Minimum Requirement #2: Delineate Clearing and Easement Limits.**

Prior to any clearing, construction or excavation on the site, clearing limits for the project shall be clearly marked with surveyor flagging along the property line and/or limits of the construction area. In addition, all buffer zones shall be clearly marked with surveyor flagging prior to the start of clearing.

**Minimum Requirement #3: Protection of Adjacent Properties.**

Shoreline, watercourses, and slopes adjacent to the property boundary shall be protected from sediment deposits. Erosion near shore of water bodies shall be prevented during entirety of construction/excavation activities. No person shall dump or place earth into water body, drainage way, or existing channel such that material may reasonably be expected to slough, slide, or erode into them.

Exposed soil that could slough shall not be left at an angle steeper than two horizontal to one vertical unless it is engineered and reinforced to withstand sloughing and erosion. The toe of the exposed slope must not reach the property line or the shore of a natural water body. A silt fence (or other

approved trapping device) shall be placed at the toe of the slope. Exposed soil in the immediate tributary area to water must be stabilized on a 24-hour daily basis. Examples of stabilization measures are: covering the slope with plastic, straw mats, or geotextiles, or other means that will positively prevent erosion. Existing channels and drainage area shall be stabilized downgrade using filter fabric fence such that current drainage does not interfere with construction/excavation activities.

**Minimum Requirement #4: Timing and Stabilization of Sediment trapping methods.**

The contractor shall be required to install sediment-trapping measures as a first order of work prior to any land disturbing or construction activities. Immediate following the installation of the filter fabric fence, temporary erosion control containment areas and stabilized construction entrances, the temporary dewatering area and conveyance systems shall be constructed.

**Minimum Requirement #5: Implementation of Sediment Containment Area.**

The contractor shall be required to install and implement sediment containment procedures.

**Minimum Requirement #6: Temporary Conveyance Channels (Dewatering Procedure).** The temporary conveyance channels and/or pipe network for the dewatering procedure for the excavated sediment shall be stabilized with quarry spalls check dams, weirs and pipe inlet/outlet protection where applicable to prevent spillage. Temporary Conveyance Channel for dewatering procedure BMPs are required. Emergency spillage preparation procedures are required.

**Minimum Requirement #7: Sediment Haul Procedures.**

Excavated Sediment material for haul shall be placed in such a manner that dewatering is complete prior to haul.

**Minimum Requirement #8: Construction Access Routes.**

Prior to the start of construction, stabilized construction entrances will be constructed at the location where construction vehicles will exit the project onto the local road. Design of the stabilized construction entrances shall follow Stormwater Management Manual. Removal of all sediments from trucks and/or machinery prior to exiting onto the roadways shall be performed at construction site. This procedure will be completed such that washed sediment may not enter the waterways and drainage systems.

**Minimum Requirement #9: Removal of Temporary Erosion and Sediment Control BMPs.**

Removal of all temporary erosion and sediment control BMPs shall be within 2 days after final site stabilization is achieved or after the temporary BMPs are no longer needed as directed by the City Inspector concurrent with final inspections.

**Minimum Requirement #10: Dewatering.**

Discharge routed from dewatering shall be into a sediment trap and through silt filter fabric prior to entrance back into any waterway. In no case shall dewatering discharge be at a greater rate than the sediment trap is designed or cause turbidity.

**Minimum Requirement #11: Maintenance of Temporary BMPs.**

All temporary BMPs installed during construction shall be inspected on a daily basis (for the duration of the project) and shall be kept functioning. Maintenance shall be as directed by your Geotechnical Engineer and the city inspector.

Minimum Requirement #12: Stabilized Construction Site.

The stabilized construction site shall pass inspection prior to any excavation activity.

### **BMP Implementation Schedule:**

The following is a general schedule guideline for the implementing of temporary erosion and sediment control BMPs during the construction project. The Geotechnical Engineer will have the final authority over the scheduling and implementation of temporary erosion and sediment control BMPs during construction.

1. Mark clearing and grubbing limits for construction work area and stabilized platform.
2. Clearly mark buffer zones associated with septic tank, drain-fields, and drainage channel.
3. Install filter fabric fence along outside perimeter and down slope of clearing and grubbing activities as located on the TESC plans.
4. Install out-fall protections at exiting stream.
5. Protect existing shoreline and waterway as indicated on the TESC plans and Special Provisions.
6. Provide stabilized construction entrance at location where driveway meets local road.
7. Construct temporary sediment traps.
8. Stabilize shoreline slopes and embankment at locations indicated in the TESC plans and as directed by the City. Slope stabilization can include but is not limited to the following methods: temporary or permanent seeding, mulching and matting per the restrictions for acceptable methods (plastic covering as the only control of stabilization is unacceptable), filter fabric fence or other methods as specified to protect slopes and embankment and positively protect against erosion.
9. Stabilize construction/excavation area and all exposed soils.
10. Construct sediment containment area per TESC plans and as directed by the Geotechnical Soils Engineer.
11. Install and maintain TESC BMPs at all locations as indicated on the plans.
12. Stabilize rock check dams.
13. Stabilize shoreline and apply permanent sod, seeding and mulching per restrictions.
14. Remove and stabilize temporary sediment traps.
15. Remove and stabilize remaining temporary erosion and sediment control BMPs following completion of site stabilization.