

From: [Gordon Ahalt](#)
To: [Evan Maxim](#)
Cc: davea@dahogan.com
Subject: CAO15-001; SEP15-001; VAR18-002; Treehouse SEPA Review 5637 East Mercer Way, Mercer Island, WA 98040
Date: Monday, September 23, 2019 8:05:20 PM
Attachments: [Geotechnical Review Letter CAO15-001 5637 E Mercer Way 7-12-19.pdf](#)

Dear Mr. Maxim:

I'm responding with my comments to the Notice of Application – Project SEPA Review. Copy Attached.

I continue to oppose development of the subject lot and approval of the reasonable use exemption. The Hearing Examiner remanded this issue back to the City to address impacts on the uphill slope above the subject property and impacts on the downstream homes as a result of potential increased waterflow resulting from the destruction of the existing wetlands. The documents I have reviewed have failed to address these offsite issues and have only addressed the ability to construct a residence on this site.

The attached Geotechnical Review which the City contracted to have completed as a Peer Review of the technical reports submitted by Treehouse concluded (highlighted in yellow), “the proposed development does have potential adverse impacts, yet none are identified in the addendum.” , and further states, “In our opinion, The Statement of Risk presented in that report is outdated because it was prepared before recent changes to the location and elevation of the proposed residence, nor does it provide sufficient discussion to establish that the condition in the MICC 19.07.060 D(2a) is met for the current design.”

The City and Treehouse have failed to address the negative impacts on the surrounding properties and have failed to protect the health, safety, and welfare of the residents living adjacent to and downstream from the proposed development site.

The City is also failing to address further negative impacts on the subject wetlands and critical streams that will result from having a new resident live on this site in the wetland and in the two critical streams. It is gross negligence on the part of the City to assume that a new resident will have no negative impact on the wetland, two critical streams, and the surrounding properties during the term of occupy a new home on this site. It is not reasonable to assume that a new resident will not utilize the undeveloped property to improve usage of the surrounding “yard space” which is a wetland. The City cannot reasonably restrict a new property owner from installing drainage systems to drain the wetland to create usable yard space. The wetland impacts will not be limited to only the building footprint.

I request the City to provide the surrounding property owners with a definition of “reasonable use” as it pertains to a lot the developer acquired for approximately \$32,000. Where is the dividing line in usage of this lot between reasonable and unreasonable? I contend that development of a single family residence on this lot is unreasonable and installation of a park bench on the adjacent walking trail would be the limit of reasonableness.

The lot sold for \$32,000 because it is not reasonable to build a house entirely in a wetland, within the buffer of one critical stream, and in the headwaters of the second critical stream.

I reserved my right to speak at the next scheduled Hearing Examiner meeting regarding this issue. I also ask that all of my prior letters regarding this project be incorporated as part of this response.

Gordon J. Ahalt
9204 SE 57th St.
Mercer Island, WA 98040
206-605-5234