

9200 S.E. 57<sup>th</sup> Street  
Mercer Island, Washington 98040  
July 5, 2017

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CITY OF MERCER ISLAND  
DEVELOPMENT SERVICE GROUP

Evan Maxim, Planning Manager  
Development Services  
City of Mercer Island  
9611 S.E. 36<sup>th</sup> Street  
Mercer Island, WA 98040

Re: Comment to Application SEP 15-001

Dear Mr. Maxim,

I am a property owner at 9200 S.E. 57<sup>th</sup> Street, Mercer Island, and my property includes part of the ravine that is involved in this case. This is a written protest and comment with respect to the application of MI Treehouse, LLC for a threshold determination under the State Environmental Policy Act (SEPA). As you know, the Hearing Examiner in Case CAO 15-001 remanded the case to the City for a threshold determination under SEPA. It is very important to note that I have already submitted written comments on the SEPA application. Thus, my comment letter of April 26, 2015 specifically referenced SEP 15-001 and also incorporated by reference the April 26, 2015 letter of Gordon J. Ahalt. The latter letter specifically opposed a possible threshold determination of non-significance with respect to the project in question.

I now wish to reaffirm my letter of April 26, 2015 and also to incorporate by reference all of the written comments and arguments that I have subsequently made to you and also to the Hearing Examiner in CAO 15-001. I would also like to comment on three of the most significant errors made by the applicant in its most recently submitted SEPA Checklist. It is important to note that the applicant certified under penalty of perjury that the answers provided are "true and complete" to the best of his knowledge.

In section B(1)(d) of the checklist, the following question is asked: "Are there surface indications or history of unstable soil in the immediate vicinity? If so describe." In response, the applicant stated an unqualified "No." It defies comprehension how such an answer could be truthfully given when this checklist was signed on May 5, 2017. A previous geotechnical report by Perrone had stated: "slope includes a headscarp on the southerly portion of the property and landslide deposits over all of the area, which classifies this site as a *known* landslide area." [Italics in original] The record before the Hearing Examiner, including the exhibits and written submissions, is replete with references to slides and erosion in the ravine.

In section B(1)(f) of the checklist, the following question is asked: “Could erosion occur as a result of clearing, construction, or use? If so, generally describe.” Applicant gives the response: “No, except to the limited extent associated with construction.” This answer ignores the long-range effect of the removal of at least a dozen trees. Some of these are outside the footprint of the residence. In addition other trees will need to be removed to protect the residence from falling trees. As an example of the threat posed by these other trees to a residence, a large tree, a substantial distance from the proposed residence and not scheduled for removal, fell this spring and the top part of the tree landed in the proposed footprint of the residence. The roots of the trees and their absorption of water greater assist in stabilizing the soil and removing water. The removal of the trees increases erosion and water runoff.

Section B(3)(c)(i) of the checklist relates to “water runoff including stormwater.” Applicant responds: “Roofs and driveway runoff will be collected and stored in a detention vault with discharge metered to flow into existing watercourse.” This statement is not consistent with the actual plans submitted by the applicant. The proposed detention vault is located at the top of the driveway which slopes downward. According to the plans, there is a catch basin at bottom of the driveway which is channeled directly into the watercourse without passing through the detention vault. Because of the slope, it appears that most, if not all, of the water falling on the driveway will not pass through the detention vault. In addition the size of the detention vault in the plans is much smaller that the size required by applicant’s downstream expert Triad. Applicant’s response also does not address the additional runoff caused by the removal of trees.

The foregoing three paragraphs are intended to be examples of errors contained in the SEPA Checklist response. In my written submission to the Hearing Examiner, I have discussed the facts and presented arguments. These are also relevant to the SEPA proceedings and an evaluation of the SEPA Checklist. As previously noted, those facts and arguments are incorporated herein by reference.

A threshold determination of non-significance should not be issued by the City in this case. This letter is being hand-delivered to the City on July 5, 2017.

Very truly yours,



Peter M. Anderson