

City of Mercer Island  
Subject: Public Notice of Application (May 4, 2015)  
File Nos: CAO15-001 and SEP15-001

May 18, 2015  
9208 SE 57<sup>th</sup> St.  
Mercer Island, WA 9804

After I submitted my letter dated May 16, 2015, I realized that I had not included one of my concerns about the validity of the city's initial evaluation of the proposed project for probable significant adverse environmental impacts since the city had not contacted any of the surrounding property owners or the owners of property below East Mercer Way about the environmental effects that have existed in previous years.


Also, none of the GeoTech firms have ever contacted any of the surrounding property owners to find out what those property owners had witnessed about the environment of the proposed site in the past years. Nor had they contacted the property owners below East Mercer Way about the increasing water flows during recent years that are impacting their properties.

Consequently, I believe the city analysis and any GeoTech reports concluding that the proposed project would not have probable significant adverse environmental impacts are not based on factual data about the environment the proposed project would be exposed to for normal conditions or for the probable significant major unpredicted catastrophic environmental events that will occur in the future. I believe that these analyses are inadequate and that more work must be done to thoroughly understand what the true risks are.

I believe that the risks to any future occupants of the proposed project, the liability exposure to the city for the probable land erosion or landslides from the city property on the hill side to the north, and the risks to the adjacent property owners of this proposed project are too great to allow this project to proceed. The history of this ravine must be included in any analysis of the probability of this project to be safe in future years.

Also, I believe that when the short plat was issued in 1977, it was based on the agreement between the city and the owner that this property was not safe for human occupancy and that only a 20x25 foot garage could be built on it. The owner at that time agreed that the limitation to a 20x 25 garage was a fair use of the property.

Because of the above and the many more issues, **I again respectfully request that the proposed DNS not be issued at this time.**

  
James G Weber

**RECEIVED**

**MAY 18 2015**

**CITY OF MERCER ISLAND  
DEVELOPMENT SERVICES**

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I have given the proposed building plan a lot of thought since I submitted my letter of April 23, 2015 regarding the subject Public Notice. I still find it totally wrong for the city to consider issuing SEPA Determination of Non-Significance (DNS) for this project.

**IT IS NOT A MATTER OF NON-SIGNIFICANCE.**

What have I seen in the mostly good years since I moved here in 1969 (46 years ago)? In 1969 when I first visited the proposed building site, I found a small pond, about 15 feet wide, 25 feet long and about 1 ½ feet deep immediately adjacent to my and my neighbor's properties with the rest of the land being solid walkable ground. It was fed by a small creek on the south side of the ravine. **It appeared to be a safe beautiful buildable site. However, it would have been a catastrophe in the future years.** By year 2000, it had seen the effects of normal erosion from the hillsides on the South and North sides of the ravine and the water flow from the stream running down the ravine. The small pond that existed at the foot of my property in 1969 had been completely filled in by soil erosion from the north and south hillsides and now has bog-like soil filling the pond and has raised the ground level about a foot or more above the previous surface level of the pond and has expanded the Wetland area. The creek had created a new channel on the north side of the ravine that in places had dug a new channel approximately 6 feet wide and 5 feet deep.

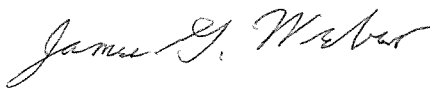
I have seen even more soil erosion on the hillside to the north of the ravine. The road that used to run up that hillside from East Mercer Way to Parkwood has completely disappeared. The small coffer dams the city installed upstream in the ravine have been completely destroyed by normal stream flows since they were installed some years ago. Property owners below East Mercer Way are currently reporting increased water flow on their properties during the past several years. I would expect that these types of environmental events will occur in future years. What will this site look like in next 50 years? **It would have been a disaster if a house had been built there in 1969 when it looked like such an attractive building site.**

My letter of April 23, 2015 to you was rather hastily prepared because of the short time I had for a response since I did not receive the notice in the US Mail until April 22 and relied mostly on the research that I had done in 2000 and 2004 regarding the history of catastrophes (Stream Flooding from Artesian springs and land slippages from the surrounding unstable hillsides-etc.) that have occurred in this ravine and the surrounding hillsides in past years. Similar unpredicted catastrophes are still very likely to reoccur at some time in the future years and **MUST** be considered in determining if this site is safe for human occupancy in the long term future years and that surrounding property owners will not suffer disaster conditions if this building proposal is allowed to proceed. What is being done to provide that surrounding property owners will not find their property undermined by the new water flows caused by the proposed excavation for the garage or increased water flow below East Mercer Way. Also, the requirements for Wetlands must be met without any exception or waiver being allowed.

I realized that the city has no factual data from which they are be able to predict what the erosion and water flows will be like in the future. I visited the city development offices to find more data about the Geotech analysis but was not allowed to read their reports or able to find them in the city computerized files. I believe that the reports submitted by Sewall Wetland Consulting and GeoGroup NW are based on analytical studies, not factual measurements of what the site has actually experienced in a typical year. I saw no factual data in the city records that I was able to review that will provide a base for what the environmental conditions are under normal weather cycles. We all know that no reliable conclusion can be reached about the safety of the site until there is some factual data about what the site actually experiences. What is the water flow down the creek each week? What can be expected regarding the soil that is deposited each year onto the site from the hill sides and the creek? How does the city evaluate both the current environment and the probable unpredictable catastrophic events that this site has experienced in the past 50 years and that are likely to occur again in the next 50 years? Why does the city appear so eager to issue a DNS at this time when the risks are so great and there is little actual factual data regarding the normal environmental conditions affecting the site? I would like to receive a copy of the city initial evaluation of the proposed project.

I therefore request that a survey of the creek water flows be performed before any decision is made regarding the issuance of a DNS or building permit. This survey must be performed weekly for at least one year in order to understand the environment that this property will typically be exposed to and must include weekly rainfall data for the ravine and the hills and mountains east of Lake Washington that feed the Artesian waters that feed the creek. Also, I think that a factual report of actual measurements of the amount the site is being filled from hillside and creek erosion in a current year is also required before a DNS or building permit is issued.

Because of the above and many more issues, **I again respectfully request that the proposed DNS not be issued at this time.**

  
James G Weber