

City of Mercer Island  
Subject: Public Notice of Application (April 13,2015)  
File Nos: CAO15-001 and SEP15-001

April 24, 2015  
9208 SE 57<sup>th</sup> St  
Mercer Island, WA 98040

RECEIVED

APR 27 2015

CITY OF MERCER ISLAND  
DEVELOPMENT SERVICES

I have reviewed the subject document and attended a meeting April 22<sup>nd</sup> with the applicant to learn why he wants to build a safe residence in a very hazardous area that has experienced a number of catastrophic events in the past 70 to 100 years and is a Wetland site.

I find it totally wrong for the city to consider issuing a SEPA Determination of Non-significance for this project.

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

I realize that the owner wants to get building permit quickly so that construction can be done in the dry part of the year and that the city planning staff is endeavoring to help him by expediting the approval process. However, this property and adjacent properties have experienced many unexpected catastrophic events in the past 100 years and can be expected to have similar unpredictable catastrophic events occur in the future. These include landslides from the unstable hill-side to the north, unpredictable water flows from the artesian water coming down the ravine from above, continuing sloughing off from the hill-sides to the north and south causing the wetland-bog area to rise as more and more soil is added to it, and the inevitable major earthquake that will affect all of these.

Since the city historical data was computerized, I believe that the long time history of actions regarding this property may not have been readily available to the city staff when they reached the conclusion that this is "A matter of non-significance". The planning staff did conduct a good analysis of the property in 2000 and 2004 and concluded that the area was a Wet Land as defined by the Federal Clean Water Act (1977) commonly called the Federal Wetland Act.

Since I moved here in 1969, I have seen a number of unpredicted catastrophes occur in the immediate area and similar unpredicted events will likely occur in the future. I have listed some of these below for your information.

1. There was a large unpredicted blowout of water at the top of the ravine some time ago. At first I was told by the city that it was caused by a failed run-off water system pipe serving the Parkwood and nearby housing areas or that it may been a failed sewer system pipeline. Some time later I was told that these possibilities were incorrect and that the true cause was artesian spring water that had loosened the area and eventually broke out into a major water eruption that probably caused the break of the sewer or drainage pipeline.

To fix this the city dumped a large amount of rock at the top of the ravine where it turns into Parkwood to stabilize the land in that area and they built 3 small cofferdams along the creek going down the ravine.

In 2004 I went up the ravine to see how the fix was working. I found the property owners in Parkwood on the uphill side of the ravine where it turned north were still having problems with the stability of their property and 1 owner had spent over \$100,000 to try to keep his house stabilized. I found the 3 cofferdams totally gone and there was no longer any protection for properties downstream,.

2. The north side of the hill abutting the proposed site experienced a major landslide over East Mercer Way that caused extensive damage to properties below East Mercer Way.
3. At the top of the hill abutting the ravine, the ground level about 25 feet from some of the Parkwood homes suddenly dropped about 1½ feet.

The city has been involved with decisions regarding building on the subject property for many years and the city concluded in 1977, 2000, and 2004 that this property was not safe for human occupancy. Data was submitted to the city by nearby landowners in 2000 and 2004 and is available in the city files. I believe that no formal action was taken by the city in 2000 and 2004, as the property owner did not respond to the city questions and the action died. I believe that the former owner reapplied in 2010, but that action was never completed.

Analysis by the city planning staff and conclusions reached by previous Mercer Island Council Members who had inspected the property in the past, its history of unpredicted catastrophic events, and all the related information



available at the time concluded that the risk of future unpredicted catastrophic events and allowing a habitable building on the site were too high to be reasonable for the city.

I do not know the names of all the Council Members that participated in these previous reviews. I do know that Council Members Sven Goldmanis,, E.L.,Jahnke and Dan Grause visited the site in 2004 and each concluded that the site was totally unsuitable for human occupancy and then worked with the planning staff to be sure that all possible factors and potential environmental conditions were being considered. I also know that they were very concerned about meeting the requirements of the Federal Wetlands Act. I currently wonder how covering the Wetlands with a concrete platform for "personal use or possible future very profitable sale" can ever be considered to meet the requirements of the Federal Wet Land Act.

The meeting we had with the owner an April 22<sup>nd</sup> showed that he was only concerned about managing the water run-off and that he considered catastrophic events that might occur to be somebody else's problem. He appeared not concerned about the risk to the city and nearby property owners or to the future inhabitants of the residence. Part of his plan should be considered unsatisfactory as I do not believe the current design approach will work properly after a year or two. His plan totally disregards the health problems of a human living on a concrete slab over a bog and surrounded on 3 sides with the bog. His plan totally ignores the fact that the area is going to experience major unpredictable problems such as landslides from the unstable hill side to the north, unpredictable water flows from the artesian water coming down the ravine from above, the continuing sloughing-off of the hill sides to the north and south causing the bog to rise as more and more soil is added to it, and probably most important of all, earthquakes that earthquake specialists are 100% sure are going to occur sometime in the future and may trigger future catastrophes

Several of the City Council members that were active in 1977 when the current Short Plat was approved have told me that at that time the City very thoroughly investigated the site and determined that the area of the proposed Short Plat was too small and totally unsafe for human habitat because of probable unpredictable catastrophes that were most certainly going to occur and would affect any human inhabitant.. They concluded that a 20x25 uninhabited garage was the maximum sized building that could be built on firm ground on the site and be safe. At that time, the property owner agreed and felt that construction of the garage was a fair and reasonable use of the property. My recollection of the Short Plat is that the limitation for building on the site is stated in the Short Plat.

Since little has changed to the property since that time, I believe that the terms of the Short Plat is still the best and only safe use of the land. The 1977 Short plat should be left standing as the criteria for use of the land and the current owner told that no further action on his proposal will be taken. He should be allowed to submit a building proposal for a small-uninhabited building if he so desires.

If, however, the city decides to ignore the 1977 Short Plat criteria, I suggest that normal planning investigations as done in 2000 and 2004 be done to assure that Wet Land Criteria is properly met, that the city will not be exposed to significant future liabilities and litigation from unexpected environmental catastrophic events, that nearby landowner properties will be safe (particularly in the areas below East Mercer Way where excess water flows are currently being experienced}, and that no human health, injury or life will be lost because of this residence being built.

I have worked with the city staff members a number of times in the past and have always found them to be very dedicated to their jobs, helpful, quite efficient and effective in their jobs. I find it difficult understand why they believe that the issuing of a DNS for this proposed construction is the correct action unless the computerized data base does not have enough years of historical information available for their analysis, they were really overly pressured by the owner for a quick response, or directed to take this action by someone higher up in the City government. This action is just unprecedented in my experiences with the staff in the past.

I would be very happy to meet with your staff to discuss my knowledge of the problems associated with this site and possible solutions if the city decides to not base their decision on the terms of the 1977 Short Plat.

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

*James G. Weber*