

FW: SUB19-002 (SEP19-005/Requirement For No Onsite Open Space/Lack of Tree Regulation)

Jeff Thomas <jeff.thomas@mercerisland.gov>

Fri 12/22/2023 3:17 PM

To: Ryan Harriman <ryan.harriman@mercerisland.gov>

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From: Dan Thompson <danielphompson@hotmail.com>

Sent: Friday, December 22, 2023 2:58 PM

To: Jeff Thomas <jeff.thomas@mercerisland.gov>

Cc: Jessi Bon <jessi.bon@mercergov.org>; Council <council@mercergov.org>

Subject: SUB19-002 (SEP19-005/Requirement For No Onsite Open Space/Lack of Tree Regulation)

This is the application for a long plat on the old Boys and Girls Property the MI school dist. donated to the BGC in 1984 for recreation. I have a post on ND addressing this.

https://nextdoor.com/p/mSBjhfBt7hsB?utm_source=share&extras=NDE0NTk4OQ%3D%3D&utm_campaign=1703284690389

Here is a good 2008 article from The Reporter in which the owner claimed he would convert the property into ballfields. [East Seattle School is sold | Mercer Island Reporter \(mi-reporter.com\)](#)

But what I really want to address in this email is the blatant deceit in Ryan Harriman's recommendation to the hearing examiner which is addressed in my recent reply post.

Specifically his claim that a long plat that is regulated by both MICC 19.08 et seq and R.C.W. 58.17.020 does not require any onsite open space:

"Staff Finding: The proposed development makes a provision for open spaces in the form of a private easement for passive open space (Exhibit 5). The MICC does not provide a numerical standard with respect to the level of appropriateness as to the provision of open space".

"Staff Finding: By providing walking access along the West Mercer Way frontage to the Secret Park, the Applicant provides access to existing open space and recreation facilities sufficient to serve the proposed subdivision".

([exhibit 01 - sub19-002 staff report, dated december 13, 2023.pdf \(mercergov.org\)](#) Pages 9-10).

I have never heard of something so absurd. The applicant's "open space" is based on an existing city park accessed by the required setback. Because the planner claims that, *"The MICC does not provide a numerical standard with respect to the level of appropriateness as to the provision of open space"* the planner interprets this to mean zero open space without addressing the requirements under R.C.W. 58.17.020. **Is Jeff Thomas really rewriting state law and the MICC to hold a 14-lot long plat requires no onsite open space, or this is the intent of 19.08? Is Jeff unaware of the Coval long plat?**

As noted in my post my two original objections to the old plan were:

A. There was no internal access road so all 14 lots had access drives directly onto the street.

B. There was no meaningful open space available to the public, especially for a parcel that was originally donated to the BGC by the MI School Dist. to remain open and recreational space, and by the purchaser who claimed that was his intent but lied.

The KEY is the internal access road is lot area that is deducted from the total lot area available for lots, AND so is the open space. Under the original plan Evan Maxim demanded there could only be 13 lots because there would be an internal access road, AND meaningful open space for the public. The way the applicant in the most recent design adds an access road and still can achieve 14 lots is by eliminating one of the most important requirements of the MI code and state statute: open space available to the public, on a parcel that was designed to be entirely open space in perpetuity.

I also address in my recent reply post Harriman's approval to remove 36/37 trees, 17 the applicant claims are regulated when most are over 20" in diameter, are suddenly diseased, when the applicant's 2019 arborist report never mentions any disease.

Some of us, including Mark Coen and Carolyn Boatsman, spent years fighting for a tree ordinance against a planning commission that was adamantly opposed to any tree protection, that in the end Wendy Weiker, Debbie Bertlin and Dan Grausz watered down before adoption in 2017. But it did contain one key thing: a developer when building a house could not remove every tree on the lot because it was easier or cheaper, and each tree would be "regulated", which meant subject to permitting and inspection before removal during development. Now, instead, even BEFORE any building applications are received for the houses on each lot, the city and this planner are giving the developer a green light to remove 36/37 trees from the entire site without any city review, exactly what we fought to prevent, and what the code prohibits.

The current CPD is beginning to remind me a lot of the DSG under Scott Greenberg, and I am seeing way too much dishonesty from planners and way too little transparency, notice and participation by the citizens, and Thomas was suppose to correct that.

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