



CITY OF MERCER ISLAND

CITY COUNCIL MEETING AGENDA

Monday
February 24, 2014
6:00 PM

Mayor Bruce Bassett
Deputy Mayor Dan Grausz

**Councilmembers Debbie Bertlin, Jane Brahm,
Mike Cero, Tana Senn, and Benson Wong**

Contact: 206.275.7793, council@mercergov.org
www.mercergov.org/council

All meetings are held in the City Hall Council Chambers at
9611 SE 36th Street, Mercer Island, WA unless otherwise noticed

"Appearances" is the time set aside for members of the public to speak to the City Council
about any issues of concern. If you wish to speak, please consider the following points:

(1) speak audibly into the podium microphone, (2) state your name and address for
the record, and (3) limit your comments to three minutes.

Please note: the Council does not usually respond to comments during the meeting.

STUDY SESSION & SPECIAL MEETING

STUDY SESSION, 6:00 PM

- (1) AB 4928 Transportation and Street Fund Policy and Budget Issues

CALL TO ORDER & ROLL CALL, 8:00 PM

MINUTES

- (2) Study Session and Regular Meeting Minutes of February 3, 2014

CONSENT CALENDAR

- (3) Payables: \$556,636.75 (01/30/14), \$209,899.11 (02/06/14), & \$174,903.97 (02/13/14)
Payroll: \$703,703.71 (02/07/14) & \$687,301.61 (02/21/14)
- (4) AB 4927 Regional Water Conservation Goal
AB 4920 eCityGov Alliance Interlocal Agreement Update

REGULAR BUSINESS

- (5) AB 4926 Coval Closed Record Public Hearing for a Proposed Eighteen Lot Long Plat (SUB13-009 and SEP13-031)

APPEARANCES

OTHER BUSINESS

Councilmember Absences
Planning Schedule
Board Appointments
Councilmember Reports

EXECUTIVE SESSION

To discuss with legal counsel representing the agency litigation or potential litigation to which the agency is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency pursuant to RCW 42.30.110(1)(i) for approximately 15 minutes

ADJOURNMENT



BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND, WA

AB 4928
February 24, 2014
Study Session

TRANSPORTATION AND STREET FUND STUDY SESSION

Proposed Council Action:

No action required.

DEPARTMENT OF

Finance (Chip Corder)

COUNCIL LIAISON

n/a

EXHIBITS

1. 2013 PCI Ratings for Arterial Streets Map
2. 2013 PCI Ratings for Residential Streets Map

APPROVED BY CITY MANAGER

AMOUNT OF EXPENDITURE	\$	n/a
AMOUNT BUDGETED	\$	n/a
APPROPRIATION REQUIRED	\$	n/a

SUMMARY

INTRODUCTION

In response to the projected Street Fund deficit beginning in 2016, staff is presenting a number of options for Council discussion and initial direction. These issues are brought forward now in order to get an early start to development of the City Transportation Improvement Plan (TIP) and the 2015-16 Budget. Staff is not presenting detailed financial analysis of the options available to address the projected deficit at this time. Instead, general input and initial direction are sought from Council to inform staff's on-going work towards a proposed TIP and budget.

Options available to address the Street Fund deficit and transportation needs include:

1. Defer, cut, or scale back planned projects in 2015 and beyond.
2. Change current policies related to:
 - a. Arterial street life cycle (20-25 years)
 - b. Residential street life cycle (30-35 years)
 - c. Traffic level of service standard
3. Institute a new revenue source:
 - a. King County transportation benefit district (TBD) ballot measure (April 22, 2014)
 - b. Mercer Island specific TBD approved by Council (up to \$20 license fee per vehicle) vs. approved by voters (>\$20 license fee per vehicle)

BACKGROUND

Street Fund Projected Deficit

When the 2013-2014 Budget was adopted at the end of 2012, the Street Fund balance was projected to go negative beginning in 2016. A summary of the 2013-2018 projected Street Fund balance from the Capital Improvement Program section of the 2013-2014 Budget document is shown below.

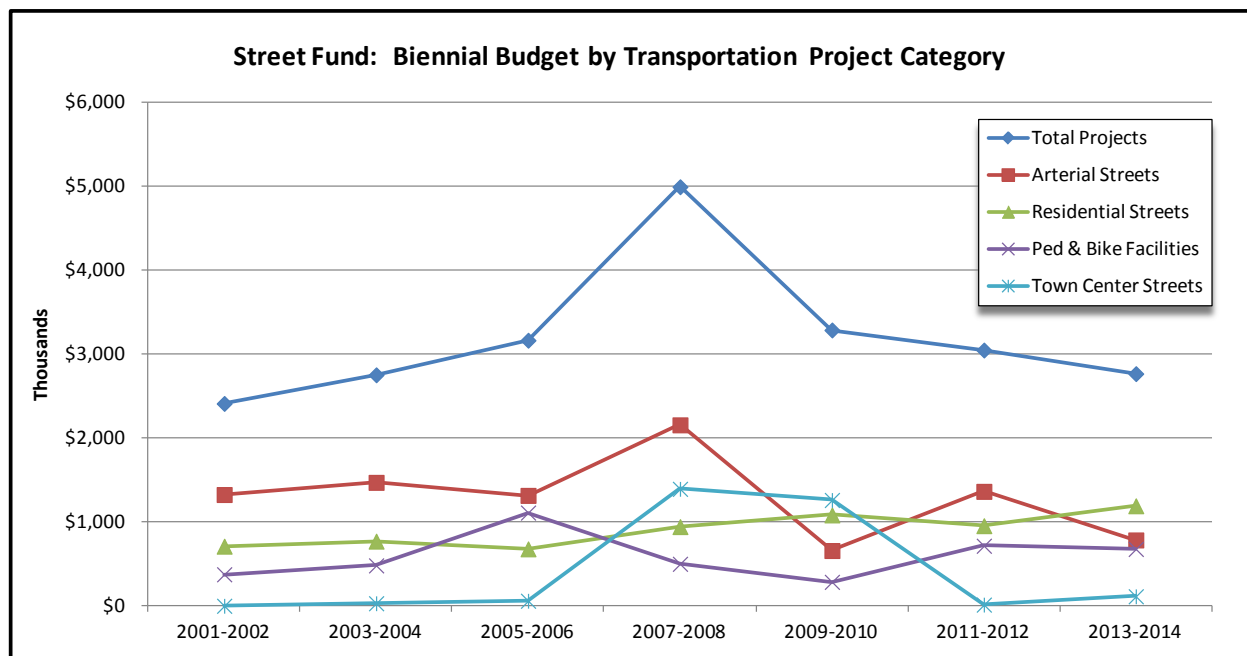
2013 Forecast	2014 Forecast	2015 Forecast	2016 Forecast	2017 Forecast	2018 Forecast
\$767	\$1,398	\$593	(\$856)	(\$1,232)	(\$1,876)

Note: Numbers are shown in thousands.

The declining fund balance reflected above is primarily the result of the following:

1. The impact of the "Great Recession" on REET receipts, which declined significantly in 2008-2009 and recovered slowly in 2010-2012;
2. The decision to take advantage of a very favorable bid environment in 2009-2010 and 2011-2012, which entailed drawing down fund balance intentionally;
3. The decision to take a calculated risk in 2013-2014 that REET would recover faster than projected; and
4. Fewer state transportation grants available in 2011-2012 and 2013-2014.

To help the Council better understand how planned expenditures have changed in the Street Fund over the past seven biennia (2001-2014), the originally adopted biennial budget is broken down by transportation project category in the following graph and table.



Transportation Project Category	Originally Adopted Biennial Budget (in thousands)						
	2001- 2002	2003- 2004	2005- 2006	2007- 2008	2009- 2010	2011- 2012	2013- 2014
Residential Streets	\$710	\$770	\$678	\$943	\$1,082	\$954	\$1,191
Arterial Streets	\$1,325	\$1,470	\$1,315	\$2,155	\$658	\$1,363	\$784
Town Center Streets	\$0	\$30	\$60	\$1,393	\$1,260	\$14	\$113
Pedestrian & Bicycle Facilities	\$375	\$481	\$1,110	\$500	\$285	\$715	\$677
Total Projects	\$2,410	\$2,751	\$3,163	\$4,991	\$3,285	\$3,046	\$2,765

The impact of the “Great Recession” on transportation projects becomes visible in the 2009-2010 biennium, with total budgeted expenditures dropping 34% from the 2007-2008 biennium, which represented the peak during this seven biennia timeframe. Thereafter, total budgeted expenditures continued to drop in 2011-2012 and 2013-2014, reflecting the extremely sluggish economy. Overall, the 2013-2014 budget is equivalent to the 2003-2004 budget in nominal dollars and roughly equivalent to the 2001-2002 budget in constant (i.e. inflation adjusted) dollars. Looking at each project category, the only discernible trend relates to Residential Streets, which increased 9% per biennium in nominal dollars and 5-6% per biennium in constant dollars from 2001-2002 to 2013-2014.

OPTIONS

The following options are presented for Council discussion and consideration in managing the projected Street Fund deficit.

Option 1. Defer, cut, or scale back planned projects in 2015 and beyond.

The City could eliminate or defer planned projects as necessary to address, at least in part, the anticipated budget shortfall. In pursuing this option, staff would seek to prioritize projects and timing to meet the most critical needs. However, over time, this approach could lead to a degraded street system that does not meet the service needs or expectations of the community.

Mercer Island School District Bond Measure

In considering project elimination or deferral, it should be emphasized that the Mercer Island School District bond issue recently approved by the voters places even greater stress on the Street Fund. The voter approved bond will fund construction of a new elementary school, renovation of the middle school and expansion of the high school. These projects may require as of yet unbudgeted neighborhood traffic control and pedestrian improvements. Analysis is underway to determine the improvements that may be needed and their cost. The TIP this year will include proposed traffic capacity improvements to accommodate the increased traffic expected from the major redevelopment on the school district’s mega block along with safe pedestrian routes to school.

The district will be responsible for paying their fair share of the necessary improvements but the majority of the cost will be the City’s responsibility. Adding these potentially significant projects to the TIP will result in difficult funding and prioritization decisions because project needs may significantly exceed anticipated revenues.

Option 2. Change current policies related to arterial street life cycle, residential street life cycle, and/or traffic level of service standard.

Pavement Condition Index and Pavement Life Cycles

Roadway pavements wear and deteriorate over time, primarily from the traffic loads they carry, but also due to distresses brought about by weathering and age. To rate the condition of the many individual pavement segments that comprise a given roadway network, a Pavement Condition Index (PCI) rating system is commonly used, in which a numerical PCI score is derived from quantifying common distress types that are visible on the pavement's surface. These PCI scores serve as the starting point in developing (or updating) near-term and long-term repair and repaving plans to maintain the network's pavements.

In 2009, the City had all street pavements rated by a visual PCI procedure. Because pavement distresses grow over time, additional distress surveys are needed periodically to keep the network's PCI information up to date, and in 2013, another PCI rating project was performed. Data was collected and evaluated using the ASTM D6433 "Standard Practice for Road and Parking Lots Pavement Condition Index Surveys" procedure. Mercer Island's 2013 average network PCI score is 77 (on a scale of 0 to 100, with 100 being best score), which is an overall rating of "Satisfactory."

Life cycles for pavements vary, and depend on traffic loads and volumes, types of construction materials used, strength of the roadway pavement section, and distresses accumulated over time. Pavement life cycles for Mercer Island streets have historically been planned and designed at 20-25 years for arterial and 30-35 years for residential streets.

The Street Engineer will give a presentation at the study session to explain the City's recent PCI project and data collection process, explain common pavement distresses that affect condition ratings, and discuss the PCI maps included herein as Exhibits 1 and 2. In addition, he will discuss pavement life cycles and repair strategies currently used for preserving the Island's road network.

In the short term, budget savings could be achieved by delaying repair and replacement beyond what is called for by current practices. However, in the longer term this approach would likely result in higher future costs of repair/replacement (it is more expensive to repair a badly deteriorated road than to provide timely repaving/maintenance) and may lead to community dissatisfaction with street conditions.

Level of Service (LOS), Traffic Congestion and the Comprehensive Plan

Mercer Island's roadway congestion standard (called "level of service" or "LOS") is identified in the Comprehensive Plan as "C", a letter designation defining traffic flow. Such a standard generally represents some delays with acceptable levels of driver comfort. In comparison, most cities have standards of D, E, or F which represents the kinds of delay seen in the cities in the greater Puget Sound area. Today, some of Mercer Island's intersections are either worse than C, or soon will be with additional growth. The blanket standard of C is no longer realistic without creating unintended consequences and the need for significant investment in congestion relief. For instance, to maintain level C, neighborhood streets connecting to Island Crest Way may need to be widened for turn lanes and Island Crest Way south of SE 53rd Street would likely need widening and additional traffic signals. Similar needs are anticipated at other locations to address LOS.

The City's Comprehensive Plan will be updated in 2014-2015, providing an opportunity to discuss and consider modification to the LOS. Reducing the LOS standard will lessen the need for some future congestion relief projects. If Council chooses to retain the current LOS standard, additional long term funding will be needed to support the widening of streets, installation of traffic signals and implementation of other traffic congestion measures.

Option 3. Institute a new revenue source.

Transportation Benefit District (TBD)

State law provides an additional mechanism for transportation funding through the creation of a TBD. A TBD is a quasi-municipal corporation and independent taxing district created for the purpose of acquiring, constructing, improving, providing, and funding transportation improvements. The improvements can be for maintenance of City streets, investments in high capacity transportation, public transportation, pedestrian and bicycle facility improvements, and transportation demand management. A TBD can also fund the operation, maintenance, and preservation of existing streets and trails.

King County is likely to propose a county-wide TBD with a ballot measure that is anticipated to go before voters on April 22, 2014. Funds from the TBD would be shared with cities. If placed on the ballot and approved by voters, this measure will generate \$598,000 (as estimated by King County) in new revenue annually for Mercer Island.

If King County does not move ahead with the TBD or the TBD ballot measure fails, the City Council could create a Mercer Island specific TBD, establishing up to a \$20 annual vehicle license fee, which would generate \$350,000 in new revenue annually for the City.

To establish an annual license fee greater than \$20 would require simple majority approval by Mercer Island voters. A \$40 annual vehicle license fee, for example, would generate \$700,000 in new revenue annually for the City.

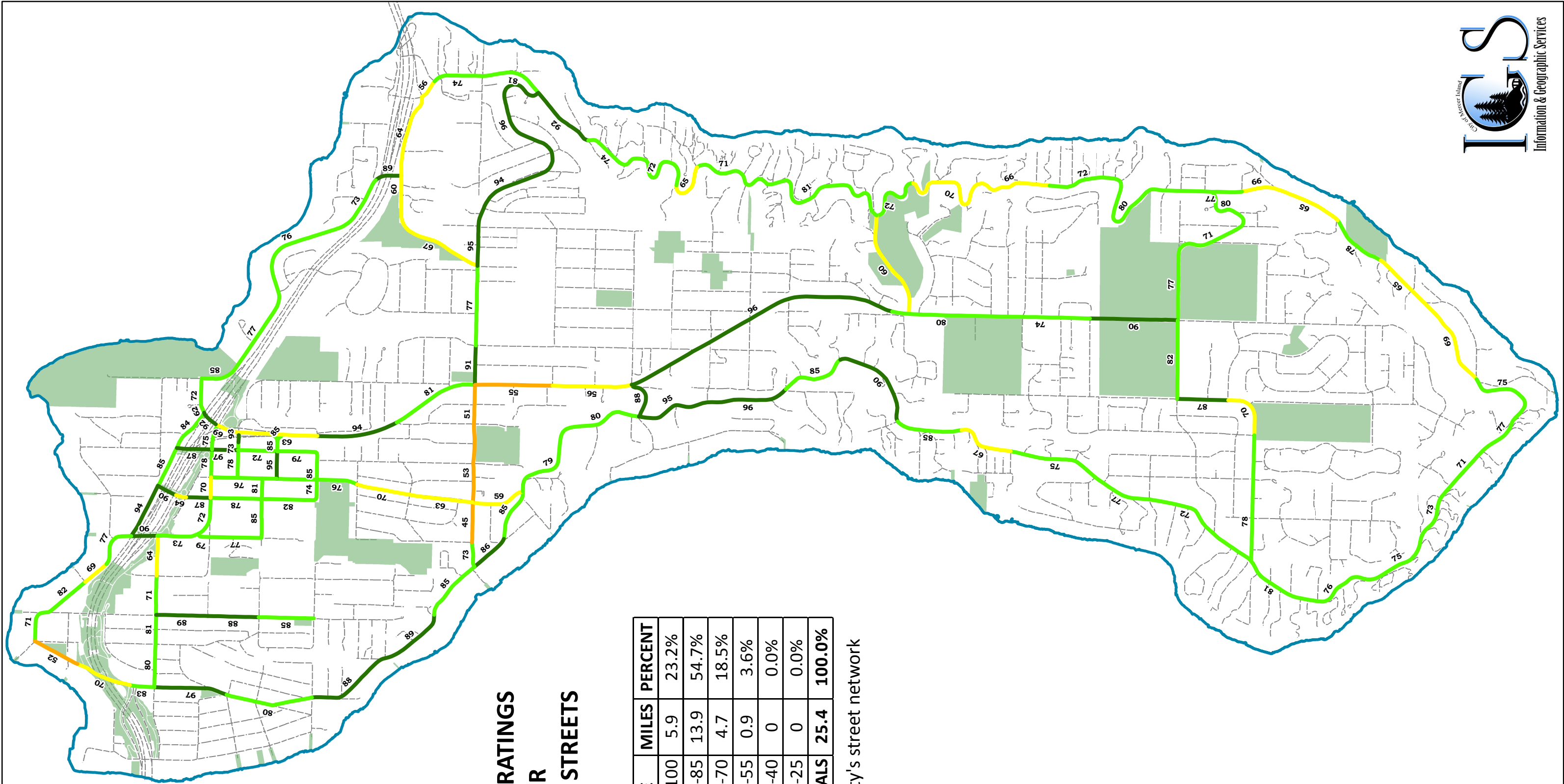
NEXT STEPS

Council input on the options for addressing the Street Fund deficit will be used to guide development of the TIP and 2015-16 Budget. Council direction at this stage will not lock the City into a course of action. This study session is the first of several steps in developing the City's approach to the Street Fund. The Council will have future opportunities to consider these options and provide direction to staff as the TIP and budget are reviewed over the course of the year.

RECOMMENDATION

Assistant City Manager/Finance Director

Provide initial direction to staff regarding Street Fund budget development and 2014 TIP priorities.

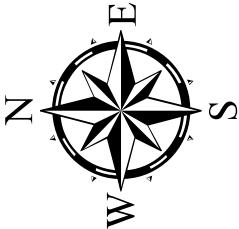


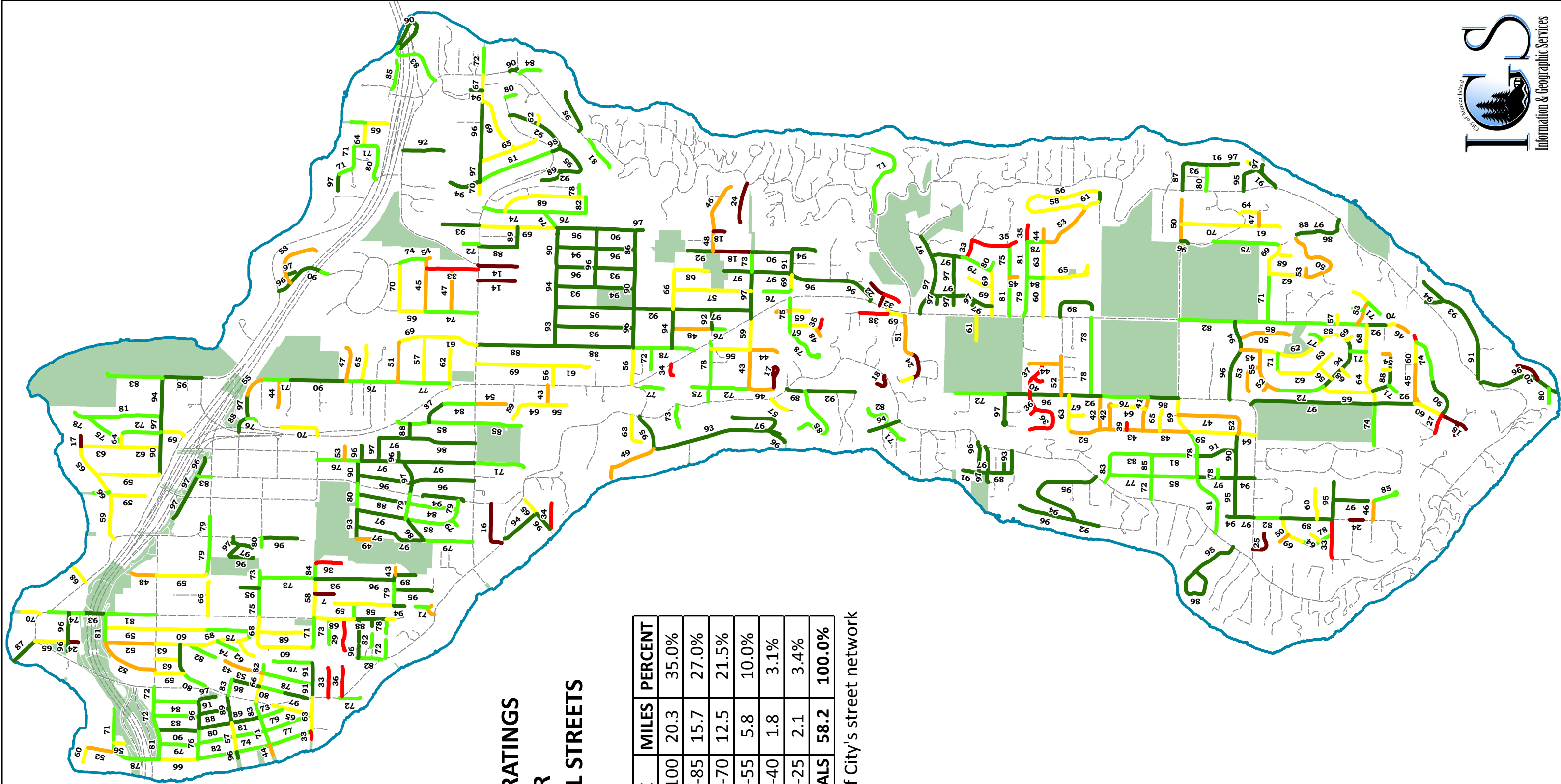
2013 PCI RATINGS FOR ARTERIAL STREETS

Legend

COLOR	RATING SCALE	MILES	PERCENT
■	Good 86-100	5.9	23.2%
■	Satisfactory 71-85	13.9	54.7%
■	Fair 56-70	4.7	18.5%
■	Poor 41-55	0.9	3.6%
■	Very Poor 26-40	0	0.0%
■	Failed 0-25	0	0.0%
	TOTAL ARTERIALS	25.4	100.0%

Arterials are 30.3% of City's street network



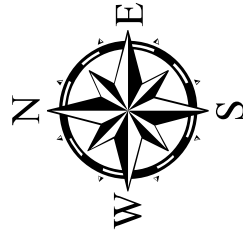


2013 PCI RATINGS FOR RESIDENTIAL STREETS

Legend

COLOR	RATING SCALE	MILES	PERCENT
	Good 86-100	20.3	35.0%
	Satisfactory 71-85	15.7	27.0%
	Fair 56-70	12.5	21.5%
	Poor 41-55	5.8	10.0%
	Very Poor 26-40	1.8	3.1%
	Failed 0-25	2.1	3.4%
TOTAL RESIDENTIALS		58.2	100.0%

Residentials are 69.7% of City's street network





CITY COUNCIL MINUTES STUDY SESSION & REGULAR MEETING FEBRUARY 3, 2014

STUDY SESSION

Mayor Bruce Bassett called the Study Session to order at 6:05 pm in the Council Chambers of City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Councilmembers Debbie Bertlin, Jane Brahm, Mike Cero, Tana Senn, Benson Wong, Deputy Mayor Dan Grausz, and Mayor Bruce Bassett, were present.

AB 4916 Presentation and Discussion of Draft Growing Transit Communities Strategy

Development Services Director Scott Greenberg and Ben Bakkenta, Program Manager in the Growth Management Planning Department at Puget Sound Regional Council (PSRC), presented the Growing Transit Communities Strategy. They explained that the Strategy was developed by the Growing Transit Communities Partnership, whose purpose was to develop best practices and recommendations for high-capacity transit investments, secure equitable outcomes for all of the region's communities, and address barriers to implementing the region's framework growth plans—VISION 2040, Transportation 2040, and the Regional Economic Strategy. They further noted that the Growing Transit Communities Partnership focused on three overarching goals to advance regional goals and implement adopted regional plans:

- Attract more of the region's residential and employment growth near high-capacity transit;
- Provide housing choices affordable to a full range of incomes near high-capacity transit; and
- Improve equitable access to education, employment, mobility, health and neighborhood services and amenities for existing and future community members in transit communities.

The Council discussed various elements of the proposed strategy, such as parking, transit-oriented development, affordable housing, and density in the Town Center. The Council also discussed how the proposed strategy would align with Mercer Island plans and other regional plans already in effect.

Director Greenberg noted that, if the City Council would like to be a partner in the regional effort, the next step would be to pass a resolution authorizing the Mayor to sign the Regional Compact, which is a statement of continued commitment for signatories to work collaboratively to implement the region's adopted plans for growth.

A majority of the Council supported staff bringing back a resolution to support the Growing Transit Communities Regional Compact.

CALL TO ORDER & ROLL CALL

Mayor Bruce Bassett called the meeting to order at 7:00 pm in the Council Chambers of City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Councilmembers Debbie Bertlin, Jane Brahm, Mike Cero, Tana Senn, Benson Wong, Deputy Mayor Dan Grausz, and Mayor Bruce Bassett, were present.

King County Councilmember Jane Hague (District 6) spoke to the City Council about her focus for 2014 of continued transparency and regular communication for a regional focus and strong partnerships surrounding transportation. She noted that a collective voice improves local infrastructure, the economy, and the quality of life for all. She thanked Councilmembers for their leadership in so many regional issues. She spoke in detail about the proposed transportation benefit district for King County, comprehensive planning for solid waste, and eastside rail corridor projects.

Mayor Bassett noted that the Mercer Island City Council supports the County's proposal for a ballot measure for local transportation funding through the King County transportation district and has sent a letter to the King County Council stating their support.

APPEARANCES

Mayor Bassett read a statement stating that the Council cannot take additional comments regarding the Coval Long Plat. He asked the audience to refrain from making any statements regarding the Coval Long Plat as it is a quasi-judicial matter and the Council is constrained in what they may hear from others regarding the issue.

Nancy Spaeth, 8320 SE 34th Street, stated that 84th Ave SE is dangerous to walk on as there are no lights. She also spoke about the footprint of the new houses being built, mentioning that they are too big and that there is no yard. City Attorney Knight asked that Ms. Spaeth not continue her comments as they were related to the Coval Long Plat.

Meg Lippert, 4052 94th Ave SE, thanked the Council and City Manager for listening to citizens who expressed concerns about the library remodel plans. She also thanked the Council for drafting the letter asking the KCLS board to delay the project to work with staff and citizens regarding the proposed remodel plans.

Bharat Shyam, 8405 SE 34th Place, stated that he worked in government and observed government staff in Olympia driven by the public spirit and wanting to do the right thing, just like City staff. He also noted that they were very intimidated by big business or someone coming in with lots of money, which prevented them from being good negotiators. He asked the Council to keep this in mind. He thanked Deputy Mayor Grausz for his email about improving the City code and asked that the City enforce the code, as it exists today, and to not be scared of big business. City Attorney Knight asked that Mr. Shyam not continue his comments as they were related to the Coval Long Plat.

Terry Pottmeyer, CEO of Friends of Youth, encouraged the City Council to approve the proposed ARCH recommendations to help create two homes for foster youth and foster care in Kirkland. She mentioned that Friends of Youth is the primary provider of services to homeless youth and young adults on the Eastside and noted that the two new homes will be a place where ten foster youth can become self-sufficient adults.

Beverly Bridge, 8400 SE 34th Place, expressed concerns about traffic in the area by a big project. She asked why the neighborhood was not able to talk about the plans. City Attorney Knight asked that Ms. Bridge not continue her comments as they were related to the Coval Long Plat. She stated that she would be happy to address Ms. Bridge's concerns and questions outside of the Council meeting.

MINUTES

Study Session and Regular Meeting Minutes of January 21, 2014

It was moved by Bertlin; seconded by Brahm to:

Adopt the Study Session and Regular Meeting Minutes of January 21, 2014 as written.

Passed 7-0

FOR: 7 (Bassett, Bertlin, Brahm, Cero, Grausz, Senn, Wong)

CONSENT CALENDAR

Councilmember Cero requested removal of AB 4923: 2013 Arterial and Residential Chip Seal Project Close Out from the Consent Calendar. Mayor Bassett moved AB 4923 to the first item of Regular Business.

Deputy Mayor Grausz asked about the meaning of the term "public meeting date" as it is used in AB 4914. City Attorney Knight explained what the code states about setting the closed record hearing regarding the Planning Commission's recommendation for the Coval long plat.

Councilmember Cero asked if the City is limiting first amendment rights by not allowing the public to comment regarding the Coval long plat during Appearances. City Attorney Knight stated that the closed record hearing

regarding the Coval long plat is a quasi-judicial proceeding and therefore, public comment regarding the topic outside of the open record hearing is not allowed.

Staff will provide the Council with the entire Coval long plat packet early, including all comments from the open record hearing, so the Council will have ample time to review it.

Mayor Bassett suggested that staff provide further information about quasi-judicial hearings. He also noted that it is not appropriate for Councilmembers to speak to anyone about the Coval long plat before the closed record hearing on February 24, and that if they do, they will have to disclose the conversation(s) before the hearing.

City Manager Treat noted that staff is working on how to handle public testimony at the February 24 Council meeting as part of Appearances and the hearing.

Payables: \$1,819,648.49 (01/24/14)

Recommendation: Certify that the materials or services hereinbefore specified have been received and that all warrant numbers listed are approved for payment.

Payroll: \$691,338.94 (01/24/14)

Recommendation: Certify that the materials or services specified have been received and that all fund warrants are approved for payment.

AB 4912 Set Public Meeting Date for the Coval Long Plat (SUB13-009)

Recommendation: Set the public meeting date for the proposed Coval Long Plat to February 24, 2014.

AB 4922 2013 Arterial and Residential Street Overlays Project Close Out

Recommendation: Accept the completed 2013 Arterial and Residential Street Overlays project and authorize staff to close out the contract.

AB 4918 A Regional Coalition for Housing (ARCH) 2013 Trust Fund Recommendations

Recommendation: Approve the use of up to \$17,608 from the City's ARCH Housing Trust Fund to fund the Habitat for Humanity Sammamish Cottage Demonstration, the Providence/SRI Redmond Senior Apartments, and the Friends of Youth Extended Foster Care Homes, with conditions as recommended by the ARCH Executive Board, and authorize the City Manager or the Administering Agency of ARCH on behalf of the City of Mercer Island to execute any related agreements and documents.

AB 4917 A Regional Coalition for Housing (ARCH) 2014 Administrative Budget and Work Program

Recommendation: Approve the ARCH 2014 Administrative Budget and Work Program and authorize expenditure of \$29,882 for Mercer Island's contribution to the 2014 ARCH Administrative Budget.

It was moved by Bertlin; seconded by Brahm to:

Approve the Consent Calendar and the recommendations contained therein.

Passed 7-0

FOR: 7 (Bassett, Bertlin, Brahm, Cero, Grausz, Senn, Wong)

REGULAR BUSINESS

AB 4923 2013 Arterial and Residential Chip Seal Project Close Out

Councilmember Cero pointed out that Street Engineer Clint Morris did a good job of managing the project, as the contingency was only 8%.

It was moved by Cero; seconded by Brahm to:

Accept the completed 2013 Arterial and Residential Chip Seal project and authorize staff to close out the contract.

Passed 7-0

FOR: 7 (Bassett, Bertlin, Brahm, Cero, Grausz, Senn, Wong)

AB 4924 Police & Police Support 2014–2015 Collective Bargaining Agreements

Human Resources Director Kryss Segle and Police Chief Ed Holmes presented the police and police support collective bargaining agreement for 2014-2015 for Council approval. Director Segle noted the cost of living adjustments, shift schedule changes, incentive pay, and longevity schedule changes.

Police Chief Ed Holmes spoke about the plan to determine the success of the Patrol Division's trial schedule change to 12-hour shifts by:

- Running a parallel hypothetical 6-on/3-off schedule to the actual 12-hour shift schedule on a monthly basis throughout the trial period;
- Calculating actual shift coverage levels for the trial period and compare with prior years;
- Calculating overtime expenditures and comp time accruals related to meeting minimum staffing levels for the trial period and compare with prior years;
- Accounting for resignations/retirements and/or new hires in the examination of this information; and
- Providing quarterly updates to the Council's Public Safety Committee regarding the impact of the schedule change.

Councilmembers asked questions regarding the 12-hour shift model, the analysis for comparing the models, and how overtime and comp time are calculated.

Deputy Mayor Grausz asked if staff could provide overtime and comp time numbers by month for past the 2 years (actual number of hours, not dollars spent) as it would be useful over the first few months of the new shift schedule to see past data. He suggested that staff produce the first report of data comparison for the June Mini-Planning Session.

Councilmember Jane Brahm recused herself, as her son-in-law is a member of the Mercer Island Police Department.

It was moved by Senn; seconded by Bertlin to:

Authorize the City Manager to sign the Police Collective Bargaining Agreement and Memorandum of Understanding with the Mercer Island Police Guild for the period of January 1, 2014 through December 31, 2015.

It was moved by Grausz; seconded by Cero to:

Amend the previous motion as follows:

...and direct the City Manager to develop and implement accurate metrics to evaluate the economic and officer coverage consequences of the 12-hour shift schedule.

Motion to Amend Passed 5-1

FOR: 5 (Bertlin, Cero, Grausz, Senn, Wong)

AGAINST: 1 (Bassett)

ABSTAIN: 1 (Brahm)

Amended Motion Passed 6-0

FOR: 6 (Bassett, Bertlin, Cero, Grausz, Senn, Wong)

ABSTAIN: 1 (Brahm)

The final language of the motion is as follows:

Authorize the City Manager to sign the Police Collective Bargaining Agreement and Memorandum of Understanding with the Mercer Island Police Guild for the period of January 1, 2014 through December 31, 2015 and direct the City Manager to develop and implement accurate metrics to evaluate the economic and officer coverage consequences of the 12-hour shift schedule.

It was moved by Senn; seconded by Bertlin to:

Authorize the City Manager to sign the Police Support Collective Bargaining Agreements with the Mercer Island Police Guild for the period of January 1, 2014 through December 31, 2015.

Passed 6-0

FOR: 6 (Bassett, Bertlin, Cero, Grausz, Senn, Wong)

ABSTAIN: 1 (Brahm)

AB 4921 Senior Advisory Board Transition

Youth and Family Services Director Cindy Goodwin provided a historical timeline of the senior representation on Mercer Island in the past few years and her recommendation to discontinue the existing Senior Advisory Board and include senior representation through the designation of four of the twelve adult seats on the Youth and Family Services (YFS) Advisory Board for seniors. She further requested renaming the YFS Advisory Board the "Youth, Senior and Family Services (YSFS) Advisory Board".

It was moved by Senn; seconded by Bertlin to:

Suspend the City Council Rules of Procedure 5.2 requiring a second reading for an ordinance.

Passed 6-1

FOR: 6 (Bassett, Bertlin, Brahm, Grausz, Senn, Wong)

AGAINST: 1 (Cero)

It was moved by Senn; seconded by Bertlin to:

Adopt proposed Ordinance No. 14C-02 repealing MICC 3.39, Senior Advisory Board and amending MICC 3.54, Youth and Family Services Board.

Passed 7-0

FOR: 7 (Bassett, Bertlin, Brahm, Cero, Grausz, Senn, Wong)

AB 4919 2015 Comprehensive Plan Update - Draft Scope of Work

Development Services Group Director Scott Greenberg presented the draft scope of work for the 2015 update to the Comprehensive Plan, which identifies the primary items within each element that need review and possible revision. Director Greenberg noted that Mercer Island is considered a built-out community and the draft scope of work focuses on updates of data and information throughout the document. He stated that policy changes would be proposed where necessary to maintain or achieve consistency with State, regional, and countywide policies. He also presented a preliminary schedule showing time allotted for staff work, Planning Commission review, and Council review over the next year.

The Council discussed the draft scope of work, how some of the tasks listed apply to Mercer Island, Council's opportunity to "weigh in" on the plan, the public outreach plan, the impact of the Comp Plan update on the work being done on the Town Center Plan, the use of staff time and budgeted funds for consultants, and population projections and growth.

There was consensus from the Council to move forward with the proposed scope of work and timeline for updating the City's Comprehensive Plan. The Council requested a "review light" of the Plan to reduce staff time and dollars spent on the update. They also requested that staff provide Councilmembers a copy of the materials given to the Planning Commission at the time of their review.

Director Greenberg responded to comments about the Comprehensive Plan's significance and stated that he wants the adopted document to be relevant to the City Council and be useful in future decision-making.

OTHER BUSINESS

Councilmember Absences

There were no absences.

Planning Schedule

City Manager Treat noted that the February 24 meeting has a full agenda. He also noted that the department directors are working through the action items and work plan from the Planning Session.

Board Appointments

Mayor Bassett appointed:

- Councilmember Bertlin to the School District Advisory Board
- Deputy Mayor Grausz and Councilmembers Senn and Wong to the Town Center Vision Scope Committee
- Deputy Mayor Grausz and Councilmembers Bertlin and Wong to the KCLS-MI Library Remodel Proposal Committee

- Councilmember Bertlin and Councilmember Senn to the Economic Development Booster Committee

Councilmember Reports

Deputy Mayor Grausz spoke about attending the AWC City Action Days in Olympia last week with Mayor Bassett and Councilmember Cero and about meeting with legislators and other City officials.

Councilmember Bertlin spoke about the KCLS board meeting and the incredible representation from Mercer Island during the public comment period. She noted that the board discussed the potential for community input on the library remodel.

Councilmember Senn spoke about the AWC City Action Days in Olympia: AEC City action days. She noted that it is evident what regional players Mercer Island Councilmembers are and the great respect there is for their leadership. She noted that it is National School Counseling Week and that Mercer Island has amazing school counselors.

Councilmember Wong spoke about the recent sustainability meeting and the reception of the six-year sustainability plan as presented by Sustainability & Communications Manager Ross Freeman.

Mayor Bassett noted that the King County Council public hearing on the proposed transportation benefit district is on February 4. He also noted that he, other local Mayors, and King County Executive Dow Constantine would be meeting about regional sustainability goals on February 13 at the Community Center.

EXECUTIVE SESSION

Executive Session #1: To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price, pursuant to RCW 42.30.110(1)(b).

At 9:28 pm Mayor Bassett convened the first executive session to consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price, pursuant to RCW 42.30.110(1)(b) for approximately 15 minutes.

At 9:43 pm, Mayor Bassett extended the Executive Session of an additional 15 minutes.

At 9:58 pm, Mayor Bassett extended the Executive Session of an additional 30 minutes.

At 10:33 pm, Mayor Bassett adjourned the first Executive Session.

Executive Session #2: To discuss with legal counsel representing the agency, litigation or potential litigation to which the agency is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency pursuant to RCW 42.30.110(1)(i).

At 10:33 pm, Mayor Bassett convened the second executive session to discuss with legal counsel representing the agency, litigation or potential litigation to which the agency is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency, pursuant to RCW 42.30.110(1)(i) for approximately 30 minutes.

At 10:56 pm, Mayor Bassett adjourned the second Executive Session.

ADJOURNMENT

The Regular Meeting adjourned at 10:57 pm.

Bruce Bassett, Mayor

Attest:

Allison Spietz, City Clerk

CERTIFICATION OF CLAIMS

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Mercer Island, and that I am authorized to authenticate and certify to said claim.



Finance Director

I, the undersigned, do hereby certify that the City Council has reviewed the documentation supporting claims paid and approved all checks or warrants issued in payment of claims.

Mayor

Date

<u>Report</u>	<u>Warrants</u>	<u>Date</u>	<u>Amount</u>
Check Register	168105-168245	01/30/14	\$ 556,636.75
			\$ 556,636.75

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00168105	01/29/2014	KC RECORDER RECORDING AN EASEMENT DOCUMENT		OH002220	01/29/2014	77.00
00168106	01/30/2014	NOVAK, JOHN STATION SUPPLIES		OH002195	12/15/2013	18.03
00168107	01/30/2014	PETTY CASH FUND POLICE DEPT REIMBURSE PETTY CASH FUND		OH002196	01/27/2014	152.36
00168108	01/30/2014	WA ST EMPLOYMENT SECURITY DEPT 4TH QTR RIMBURSABLE PAYMENTS		OH002194	01/24/2014	12,608.90
00168109	01/30/2014	AIRGAS USA LLC Oxygen Cylinder Rental/Fire	P80937	9915185512	12/31/2013	28.71
00168110	01/30/2014	CASNE ENGINEERING INC PHASE 3 TELEMETRY DESIGN	P78895	23619/20/21	01/06/2014	9,567.90
00168111	01/30/2014	CINTAS CORPORATION #460 RUG SERVICE 2013	P80920	OH002217	12/31/2013	109.64
00168112	01/30/2014	COMSTOR INFO MGMT Land Use and Street file copy	P80803	4687	12/31/2013	90.99
00168113	01/30/2014	DATAQUEST LLC Background check C. Schuck	P80732	CMIYOUTH	12/31/2013	251.50
00168114	01/30/2014	DAY WIRELESS SYSTEMS TWO WAY RADIO FOR FL-0457	P80701	14828000	12/04/2013	871.73
00168115	01/30/2014	EARTHCORPS INC 2013-14 Open Space Vegetation	P77829	4405	12/31/2013	1,475.60
00168116	01/30/2014	EVERSON'S ECONO-VAC INC STREETLIGHT REPLACEMENTS	P80890	072263	12/06/2013	1,890.00
00168117	01/30/2014	HACH COMPANY WATER TESTING EQUIPMENT	P80665	8633396	12/31/2013	975.78
00168118	01/30/2014	KESSELRING GUN SHOP INC Firearms ammo	P80894	60278	12/19/2013	4,796.10
00168119	01/30/2014	KING COUNTY FINANCE NOVEMBER 2013 I-NET SERVICE	P76480	11001680	12/31/2013	1,623.00
00168120	01/30/2014	MI SCHOOL DISTRICT #400 DECEMBER FUEL AT SCHOOL DISTRI	P80887	20131215	01/15/2014	2,455.98
00168121	01/30/2014	PACIFIC AIR CONTROL INC HVAC MAINT IN MAINT SHOP	P80753	170554	12/31/2013	301.13
00168122	01/30/2014	PUBLIC SAFETY SUPPORT SERVICES Zone One Coordinator services	P80942	MIFY1204	01/17/2014	10,000.00
00168123	01/30/2014	PURIFIED WATER TO GO MONTHLY WATER SERVICE JAN-DEC	P80764	1202013	12/31/2013	88.76
00168124	01/30/2014	REPUBLIC SERVICES #172 MAINT. SHOP DISPOSAL/RECYCLING	P80889	5959106/5959320	12/31/2013	3,175.55
00168125	01/30/2014	SIGNATURE LANDSCAPE SERVICES 2013-14 Open Space Vegetation	P77459	79282	12/31/2013	171.36
00168126	01/30/2014	SOUND PUBLISHING INC Ntc: 12/16 Mtg Cancellation 93	P80866	607338	12/31/2013	202.99
00168127	01/30/2014	STANTEC CONSULTING SRVS INC 88TH AVE & 86TH AVE SE WATER S	P79784	757841	01/17/2014	2,892.97
00168128	01/30/2014	STERICYCLE INC On-Call Charges/Fire	P80836	3002497156	12/31/2013	10.36
00168129	01/30/2014	COMCAST Internet Charges/Fire	P80837	OH002218	01/04/2014	64.62
00168130	01/30/2014	DEDOMINICIS, AMY E FS 92 Project Management	P76634	501384	01/03/2014	2,259.72

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00168131	01/30/2014	DEPT OF TRANSPORTATION PURCHASE OF SAND AND SALT	P80891	RE41JA6287L015	01/14/2014	1,160.02
00168132	01/30/2014	HOME DEPOT CREDIT SERVICE LUMBER & REBAR	P80849	970236	12/20/2013	261.11
00168133	01/30/2014	KING COUNTY FINANCE SIGNAL SERVICE	P80893	34787-34790	12/31/2013	1,171.90
00168134	01/30/2014	MICHAEL SKAGGS ASSOCIATES FLOOR CARE RESTROOMS/ART ROOM	P80686	13746	12/27/2013	1,903.75
00168135	01/30/2014	MICROFLEX DECEMBER 2013	P80781	00021689	01/09/2014	247.03
00168136	01/30/2014	NATURAL SYSTEMS DESIGN SUB-BASIN 6 PHASE II DRAINAGE	P80435	201412	01/18/2014	9,104.50
00168137	01/30/2014	PARAMETRIX PUMP STATION 14 MODERNIZATION	P77435	1665068	01/02/2014	8,990.10
00168138	01/30/2014	SEATTLE PUBLIC UTILITIES WATER SAMPLE FOR 2558 76TH AVE	P80884	W0077323	01/09/2014	94.00
00168139	01/30/2014	STATE AUDITOR'S OFFICE FYE 2012 Audit Costs	P80923	L101331	01/14/2014	938.84
00168140	01/30/2014	SYSTEMS DESIGN December 2013 Transport Billin	P80738	MIFD0114	01/07/2014	1,021.66
00168141	01/30/2014	XEROX CORPORATION Copier Costs - December	P76347	071942225	01/01/2014	3,412.75
00168142	01/30/2014	BSK ASSOCIATES UCMR WATER QUALITY SAMPLING 4T	P80914	A400696	01/15/2014	715.00
00168143	01/30/2014	CORP INC CONSTRUCTION FS 92 BUILDING CONTRACTOR	P80919	1	12/31/2013	104,982.99
00168144	01/30/2014	HDR ENGINEERING INC 2015 WATER SYSTEM PLAN UPDATES	P80918	00404992H	01/15/2013	705.13
00168145	01/30/2014	HERRERA ENVIRONMENTAL CONSULT DECANT FACILITY RETROFIT DESIG	P80915	34089/34238	12/13/2014	3,459.06
00168146	01/30/2014	MORGAN SOUND MITV CH.21	P80969	MSI76435	12/27/2013	6,796.29
00168147	01/30/2014	OMEGA CONTRACTORS PUMP STATION 13 REPAIRS	P80957	OH002243	01/22/2014	246.38
00168148	01/30/2014	WAVE ELECTRICAL LLC ELECTRICAL SHOP REPAIRS	P80973	13185	12/31/2013	4,854.14
00168149	01/30/2014	WELLS FARGO aCCT#3632432377 FS 92 RETAINAGE	P80916	OH002242	01/27/2014	5,023.11
00168150	01/30/2014	WEST COAST SIGNAL INC STREET LIGHTS BUSINESS DISTRIC	P80935	1303	01/17/2014	7,980.44
00168151	01/30/2014	ACCENT DUPLICATE TRANSPORT PAYMENT		OH002199	01/27/2014	654.17
00168152	01/30/2014	AS YOU WISH ELECTRIC PERMIT REFUND		1401009	01/27/2014	35.04
00168153	01/30/2014	AWC FEBRUARY 2014		OH002197	01/24/2014	209.40
00168154	01/30/2014	CENTURYLINK PHONE USE JAN 2014		OH002201	01/20/2014	1,705.26
00168155	01/30/2014	DEACH, THOMAS CDL RENEWAL		OH002203	01/23/2014	85.00
00168156	01/30/2014	DRUSCHBA, JOHN F MILEAGE EXPENSE		OH002202	01/23/2014	19.04

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Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00168157	01/30/2014	EARTHWORK ENTERPRISES INC		OH002204	11/25/2013	2,400.00
		REFUND HYDRANT METER DEPOSIT				
00168158	01/30/2014	GARNER ELECTRIC		1401016	01/27/2014	90.24
		PERMIT REFUND				
00168159	01/30/2014	GET Program		OH002205	01/24/2014	1,034.50
		PAYROLL EARLY WARRANTS				
00168160	01/30/2014	LEOFF HEALTH & WELFARE TRUST		OH002206	01/24/2014	54,041.87
		FIRE RETIREES LEOFF H&W TRUST				
00168161	01/30/2014	MI EMPLOYEES ASSOC		OH002208	01/24/2014	142.50
		PAYROLL EARLY WARRANTS				
00168162	01/30/2014	MOLTZ, ERIC		OH002209	01/07/2014	14.56
		MILEAGE EXPENSE				
00168163	01/30/2014	PK ELECTRIC CONTRACTORS CO		1307176	01/27/2014	83.04
		PERMIT REFUND				
00168164	01/30/2014	POLICE ASSOCIATION		OH002210	01/24/2014	2,364.96
		PAYROLL EARLY WARRANTS				
00168165	01/30/2014	PUGET SOUND ENERGY		OH002211	01/23/2014	5,568.48
		ENERGY USE JANUARY 2014				
00168166	01/30/2014	RAISSIS, NICHOLAS		OH002212	01/23/2014	75.00
		REPLACE WARRANT #168040				
00168167	01/30/2014	UNITED WAY OF KING CO		OH002213	01/24/2014	151.00
		PAYROLL EARLY WARRANTS				
00168168	01/30/2014	VILLALOBOS, ROBERT		OH002214	01/23/2014	139.60
		DUTY BOOTS				
00168169	01/30/2014	WHEELER, NICKIE		OH002216	01/27/2014	32.84
		MICROSOFT WIRELESS MOUSE				
00168170	01/30/2014	WSCCCE AFSCME AFL-CIO		OH002215	01/24/2014	1,921.68
		PAYROLL EARLY WARRANTS				
00168171	01/30/2014	AKANA, JANELLE H	P80876	14283/14277	01/23/2014	2,038.29
		Instruction services for Power				
00168172	01/30/2014	DEPT OF LICENSING	P80880	OH002221	01/22/2014	60.00
		K. Roberts Notary Application				
00168173	01/30/2014	FIRE PROTECTION INC	P80921	16136	01/10/2014	81.42
		LUTHER BURBANK ALARM REPAIR				
00168174	01/30/2014	HOME DEPOT CREDIT SERVICE	P80848	021613/5026664	01/21/2014	414.19
		INVENTORY PURCHASES				
00168175	01/30/2014	ISSAQUAH SIGNS	P80785	121570	01/17/2014	142.35
		Restoration project signs for				
00168176	01/30/2014	KELLY PAPER	P80883	6306898	01/24/2014	113.60
		Paper and envelope stock suppl				
00168177	01/30/2014	KIDS COMPANY	P80905	OH002227	01/24/2014	341.00
		childcare payment for EA clien				
00168178	01/30/2014	MCCLOUD, AARON	P80868	OH002222	01/22/2014	51.00
		Model payment for Clothed Mode				
00168179	01/30/2014	OFFICEMAX INCORPORATED	P80698	660651	12/30/2013	2,921.46
		Chairs for Mercer Room				
00168180	01/30/2014	OVERLAKE OIL	P80903	0164590IN	01/15/2014	6,622.19
		870 GAL. UNLEADED FUEL DELIVER				
00168181	01/30/2014	PUGET SOUND ENERGY	P80909	OH002228	01/24/2014	1,679.70
		utility ass't for EA client IR				
00168182	01/30/2014	SHAFFER / LSAT, ROBERT	P80913	012114	01/21/2014	295.00
		Interview training-Kramp				

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00168183	01/30/2014	SKANTZE, VANESSA MARIA Model payment for Sculpture cl	P80867	OH002223	01/22/2014	102.00
00168184	01/30/2014	TERO CONSULTING LTD ASP SERVICE FOR WEB WORKS FOR	P80888	4242	01/15/2014	2,450.00
00168185	01/30/2014	UNITED SITE SERVICES Portable toilet rental and ser	P80614	1141782597/98/99	01/15/2014	556.30
00168186	01/30/2014	WA RECREATION & PARK ASSN CPSI Course & Test Member	P80874	200000071	01/17/2014	510.00
00168187	01/30/2014	WA ST LICENSING NEW POLICE VEHICLE FL -0463	P80904	OH002229	01/24/2014	47.75
00168188	01/30/2014	WA ST TREASURER'S OFFICE Remit State Court Transmittal	P80842	OH002219	12/31/2013	19,327.28
00168189	01/30/2014	WASHINGTON STATE PATROL EMAC vol background	P80896	I14004183	01/02/2014	10.00
00168190	01/30/2014	WCIA K. Roberts Notary Bond	P80881	101067/101066	01/22/2014	100.00
00168191	01/30/2014	WMCA AS 2014 WMCA Conference	P80932	OH002230	01/28/2014	725.00
00168192	01/30/2014	WRPA Conference registration and CE	P80869	200000060	01/15/2014	1,355.00
00168193	01/30/2014	AIRGAS USA LLC Oxygen/Fire	P80835	9023369095	01/10/2014	50.57
00168194	01/30/2014	BUSINESS TELECOM PRODUCTS Headset CS540 Wireless	P80902	224942	01/24/2014	251.86
00168195	01/30/2014	CLOTH TATTOO LLC PE Gear for MIFD Including Set	P80680	40683	01/20/2014	2,140.51
00168196	01/30/2014	COLUMBIA FORD POLICE VEHICLE REPLACEMENT FOR	P79744	3E539	01/17/2014	28,848.92
00168197	01/30/2014	COMCAST CITY HALL HIGH SPEED INTERNET	P80630	OH002237	01/12/2014	105.90
00168198	01/30/2014	COMCAST 2014 Annual High Speed Connect	P80858	OH002236	01/11/2014	125.13
00168199	01/30/2014	DEPARTMENT OF ECOLOGY REGISTRATION FOR SHORELINE WOR	P80952	OH002234	01/29/2014	75.00
00168200	01/30/2014	DUNBAR ARMORED JAN2014 Armored Car Service	P80943	3343267	01/01/2014	1,485.06
00168201	01/30/2014	FIRST APPLIANCE SERVICE TEAM Station 91 Dishwasher Repair	P80941	147940	01/17/2014	153.30
00168202	01/30/2014	GRAINGER INVENTORY PURCHASES	P80714	9334126589	01/08/2014	458.31
00168203	01/30/2014	INGALLINA'S BOX LUNCH INC Refreshments for KCFAP Meeting	P80875	01150206	01/23/2014	101.73
00168204	01/30/2014	KROESENS INC Uniform gear-Boyce	P80897	8555	01/08/2014	179.25
00168205	01/30/2014	MERCER ISLAND LEARNING LAB Preschool scholarship for Dec	P80946	OH002233	01/28/2014	615.00
00168206	01/30/2014	MI SCHOOL DISTRICT #400 Preschool scholarship for Jan-	P80945	OH002231	01/28/2014	1,230.00
00168207	01/30/2014	MONTANA STATE UNIVERSITY PCN Guide Services for MOST of	P80944	511	01/06/2014	3,000.00
00168208	01/30/2014	NORTHWEST LEADERSHIP SEMINAR 2014 NW Leadership	P80938	121004957006427	06/12/2013	550.00

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00168209	01/30/2014	PACIFIC MODULAR CLEAN THRIFT SHOP CARPET	P80798	I10092	01/07/2014	315.00
00168210	01/30/2014	POT O' GOLD INC COFFEE SUPPLIES JANUARY 2014	P80951	239565	01/16/2014	629.73
00168211	01/30/2014	PUGET SOUND CLEAN AIR AGENCY 2014 Clean Air Assessment	P80821	14055S	01/10/2014	24,077.00
00168212	01/30/2014	PUGET SOUND ENERGY Utility ass't for EA client 60	P80947	OH002232	01/28/2014	600.00
00168213	01/30/2014	REMOTE SATELLITE SYSTEMS INT'L Sat phone fee	P80895	00062221	01/09/2014	48.95
00168214	01/30/2014	SOUND SAFETY PRODUCTS MISC. WORK CLOTHES	P80709	329931801/32001	01/06/2014	849.39
00168215	01/30/2014	SUPPLY SOURCE, THE INVENTORY PURCHASES	P80910	1400223	01/22/2014	1,315.82
00168216	01/30/2014	T-MOBILE 2014 Services for Boat Launch	P80873	OH002235	01/09/2014	49.99
00168217	01/30/2014	WA WILDLIFE & REC COALITION Balance of 2014 Annual Agency	P80931	011614	01/16/2014	25.00
00168218	01/30/2014	CAPITAL ONE PUBLIC FUNDING Lease Payment Fire Apparatus	P80922	2804538	01/14/2014	128,023.15
00168219	01/30/2014	CED CREDIT OFFICE INVENTORY PURCHASES	P80900	8073766557	01/21/2014	98.22
00168220	01/30/2014	CEDAR GROVE COMPOSTING INC BUILDERS BLEND TOPSOIL (15 YDS	P80899	0000157406	01/16/2014	452.51
00168221	01/30/2014	CINTAS CORPORATION #460 Rug cleaning service for Luthe	P80608	460809960	01/23/2014	70.54
00168222	01/30/2014	COMPTON LUMBER & HARDWARE INC 3" X 12" X 12' ACZA LUMBER	P80750	728789/728644	01/08/2014	844.21
00168223	01/30/2014	DAY WIRELESS SYSTEMS New E91 Radio Work	P80390	557630	01/22/2014	1,940.29
00168224	01/30/2014	EXCEL SUPPLY COMPANY INVENTORY PURCHASES	P80853	67528	01/15/2014	373.77
00168225	01/30/2014	FAIRWEATHER SITE FURNISHINGS South Mercer Bollard Replaceme	P80409	062836	01/14/2014	1,006.31
00168226	01/30/2014	GEMPLER'S INC 72" DOT REACHER	P80851	1019942476	01/14/2014	58.60
00168227	01/30/2014	GRAINGER INVENTORY PURCHASES	P80854	9340472688	01/15/2014	1,688.26
00168228	01/30/2014	H D FOWLER INVENTORY PURCHASES	P80933	3555181/3554981	01/23/2014	10,114.41
00168229	01/30/2014	KROESENS INC Recruit uniforms	P80898	16977	01/22/2014	717.83
00168230	01/30/2014	LIFE ASSIST CO Station/Rig Aid Supplies	P80940	663557/658332	01/14/2014	2,253.52
00168231	01/30/2014	LN CURTIS & SONS Bullard T-3Max Repair	P80855	211038200	01/13/2014	1,260.26
00168232	01/30/2014	MASTERMARK E. Robinson Notary Stamp	P80882	0644259	01/16/2014	37.01
00168233	01/30/2014	MI CHAMBER OF COMMERCE MONTHLY BILLING FOR SERVICES	P80628	OH002238	01/28/2014	1,200.00
00168234	01/30/2014	OWEN EQUIPMENT CO REPAIR PARTS FOR FL-0380	P80885	00070176	01/13/2014	565.70

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00168235	01/30/2014	PACIFIC INDUSTRIAL SUPPLY CO WEB EYE SLINGS & STEEL FLAT BA	P80850	1207044	01/15/2014	392.44
00168236	01/30/2014	PSFOA 2014 PSFOA Membership	P80819	OH002240	01/16/2014	50.00
00168237	01/30/2014	RENTON FISH & GAME CLUB INC Range fees	P80827	OH002239	01/11/2014	25.00
00168238	01/30/2014	SANDERSON SAFETY SUPPLY SAFETY HARNESS	P80901	612741604	01/17/2014	185.04
00168239	01/30/2014	SIX ROBBLEES INC REPAIR PARTS FOR FL-0327	P80712	1803736	01/06/2014	217.05
00168240	01/30/2014	SOUND SAFETY PRODUCTS MISC. WORK CLOTHES	P80929	330066901	01/21/2014	1,912.38
00168241	01/30/2014	TACOMA SCREW PRODUCTS MISC. HARDWARE	P80828	16081622	01/15/2014	69.24
00168242	01/30/2014	UNISOURCE WORLDWIDE INC INVENTORY PURCHASES	P80926	65522847818	01/17/2014	1,489.46
00168243	01/30/2014	WALTER E NELSON CO INVENTORY PURCHASES	P80939	429947/551/731	01/15/2014	2,298.18
00168244	01/30/2014	WESTHILL ELECTRONICS UHF Repeaters/Station 92	P78842	2101	01/17/2014	2,026.36
00168245	01/30/2014	WWCPA WASTEWATER ANNUAL RENEWAL	P80879	OH002241	01/23/2013	45.00
					Total	<u>556,636.75</u>

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
Org Key: 001000 - General Fund-Admin Key				
P80842	00168188	WA ST TREASURER'S OFFICE	Remit State Court Transmittal	8,316.98
P80842	00168188	WA ST TREASURER'S OFFICE	Remit State Court Transmittal	4,718.18
P80842	00168188	WA ST TREASURER'S OFFICE	Remit State Court Transmittal	2,610.49
P80842	00168188	WA ST TREASURER'S OFFICE	Remit State Court Transmittal	1,344.96
P80842	00168188	WA ST TREASURER'S OFFICE	Remit State Court Transmittal	672.90
P80842	00168188	WA ST TREASURER'S OFFICE	Remit State Court Transmittal	652.88
P80842	00168188	WA ST TREASURER'S OFFICE	Remit State Court Transmittal	435.65
P80842	00168188	WA ST TREASURER'S OFFICE	Remit State Court Transmittal	255.50
P80842	00168188	WA ST TREASURER'S OFFICE	Remit State Court Transmittal	121.97
P80842	00168188	WA ST TREASURER'S OFFICE	Remit State Court Transmittal	120.89
P80842	00168188	WA ST TREASURER'S OFFICE	Remit State Court Transmittal	76.88
Org Key: 402000 - Water Fund-Admin Key				
P80925	00168228	H D FOWLER	INVENTORY PURCHASES	9,837.54
	00168157	EARTHWORK ENTERPRISES INC	REFUND HYDRANT METER DEPOSIT	2,400.00
P80926	00168242	UNISOURCE WORLDWIDE INC	INVENTORY PURCHASES	1,489.46
P80910	00168215	SUPPLY SOURCE, THE	INVENTORY PURCHASES	1,315.82
P80852	00168227	GRAINGER	INVENTORY PURCHASES	713.44
P80872	00168243	WALTER E NELSON CO	INVENTORY PURCHASES	673.14
P80911	00168227	GRAINGER	INVENTORY PURCHASES	427.48
P80853	00168224	EXCEL SUPPLY COMPANY	INVENTORY PURCHASES	373.77
P80769	00168202	GRAINGER	INVENTORY PURCHASES	254.53
P80714	00168202	GRAINGER	INVENTORY PURCHASES	101.51
P80900	00168219	CED CREDIT OFFICE	INVENTORY PURCHASES	98.22
P80892	00168174	HOME DEPOT CREDIT SERVICE	INVENTORY PURCHASES	18.70
P80848	00168174	HOME DEPOT CREDIT SERVICE	INVENTORY PURCHASES	14.03
Org Key: 814072 - United Way				
	00168167	UNITED WAY OF KING CO	PAYROLL EARLY WARRANTS	151.00
Org Key: 814075 - Mercer Island Emp Association				
	00168161	MI EMPLOYEES ASSOC	PAYROLL EARLY WARRANTS	142.50
Org Key: 814076 - City & Counties Local 21M				
	00168170	WSCCCE AFSCME AFL-CIO	PAYROLL EARLY WARRANTS	1,921.68
Org Key: 814077 - Police Association				
	00168164	POLICE ASSOCIATION	PAYROLL EARLY WARRANTS	2,364.96
Org Key: 814083 - Vol Life Ins - States West Lif				
	00168153	AWC	FEBRUARY 2014	209.40
Org Key: 814085 - GET Program Deductions				
	00168159	GET Program	PAYROLL EARLY WARRANTS	1,034.50
Org Key: CA1100 - Administration (CA)				
P80882	00168232	MASTERMARK	E. Robinson Notary Stamp	37.01
P80728	00168113	DATAQUEST LLC	Background check C. Schuck	36.50
Org Key: CM1200 - City Clerk				
P80932	00168191	WMCA	KR 2014 WMCA Master Academy &	425.00
P80932	00168191	WMCA	AS 2014 WMCA Conference	300.00

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
P80866	00168126	SOUND PUBLISHING INC	Ntc: Ord # 13C-12 944744 12/11	85.81
P80866	00168126	SOUND PUBLISHING INC	Ntc: Ord # 13C-13 944749 12/11	54.70
P80881	00168190	WCIA	K. Roberts Notary Bond	50.00
P80866	00168126	SOUND PUBLISHING INC	Ntc: 12/16 Mtg Cancellation 93	41.74
P80880	00168172	DEPT OF LICENSING	K. Roberts Notary Application	30.00
P80866	00168126	SOUND PUBLISHING INC	Ntc: 12/16 Mtg Cancellation 93	20.74
Org Key: CT1100 - Municipal Court				
P80668	00168141	XEROX CORPORATION	Copier Costs - December	151.46
Org Key: DS0000 - Development Services-Revenue				
	00168158	GARNER ELECTRIC	PERMIT REFUND	90.24
	00168163	PK ELECTRIC CONTRACTORS CO	PERMIT REFUND	83.04
	00168105	KC RECORDER	RECORDING AN EASEMENT	77.00
	00168166	RAISSIS, NICHOLAS	REPLACE WARRANT #168040	75.00
	00168152	AS YOU WISH ELECTRIC	PERMIT REFUND	35.04
Org Key: DS1100 - Administration (DS)				
P80902	00168194	BUSINESS TELECOM PRODUCTS	Headset CS540 Wireless	242.00
P80803	00168112	COMSTOR INFO MGMT	Land Use and Street file copy	90.99
P80902	00168194	BUSINESS TELECOM PRODUCTS	shipping	9.86
Org Key: DS1300 - Land Use Planning Svc				
P80952	00168199	DEPARTMENT OF ECOLOGY	REGISTRATION FOR SHORELINE WOR	75.00
Org Key: FN1100 - Administration (FN)				
P80923	00168139	STATE AUDITOR'S OFFICE	FYE 2012 Audit Costs	938.84
P80881	00168190	WCIA	S. Riddell Notary Bond	50.00
P80819	00168236	PSFOA	2014 PSFOA Membership	50.00
P75812	00168123	PURIFIED WATER TO GO	MONTHLY WATER SERVICE JAN-DEC	48.76
	00168169	WHEELER, NICKIE	MICROSOFT WIRELESS MOUSE	32.84
P80880	00168172	DEPT OF LICENSING	S. Riddell Notary Renewal	30.00
Org Key: FNBE01 - Financial Services				
P80628	00168233	MI CHAMBER OF COMMERCE	MONTHLY BILLING FOR SERVICES	1,200.00
P80781	00168135	MICROFLEX	DECEMBER 2013	247.03
Org Key: FR0000 - Fire-Revenue				
	00168151	ACCENT	DUPLICATE TRANSPORT PAYMENT	654.17
Org Key: FR1100 - Administration (FR)				
P80939	00168243	WALTER E NELSON CO	Station/Household Supplies	1,625.04
P80738	00168140	SYSTEMS DESIGN	December 2013 Transport Billin	1,021.66
P80938	00168208	NORTHWEST LEADERSHIP SEMINAR	2014 NW Leadership	550.00
P80941	00168201	FIRST APPLIANCE SERVICE TEAM	Station 91 Dishwasher Repair	153.30
P80875	00168203	INGALLINA'S BOX LUNCH INC	Refreshments for KCFAP Meeting	101.73
P80837	00168129	COMCAST	Internet Charges/Fire	64.62
	00168154	CENTURYLINK	PHONE USE JAN 2014	44.56
	00168106	NOVAK, JOHN	STATION SUPPLIES	18.03
Org Key: FR2100 - Fire Operations				
P80680	00168195	CLOTH TATTOO LLC	PE Gear for MIFD Including Set	2,140.51
P80390	00168223	DAY WIRELESS SYSTEMS	New E91 Radio Work	1,940.29

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
P80864	00168231	LN CURTIS & SONS	Bullard T-3Max Repair	206.31
	00168168	VILLALOBOS, ROBERT	DUTY BOOTS	139.60
<i>Org Key: FR2500 - Fire Emergency Medical Svcs</i>				
P80940	00168230	LIFE ASSIST CO	Station/Rig Aid Supplies	2,424.91
P80835	00168193	AIRGAS USA LLC	Oxygen/Fire	50.57
P80937	00168109	AIRGAS USA LLC	Oxygen Cylinder Rental/Fire	28.71
P80836	00168128	STERICYCLE INC	On-Call Charges/Fire	10.36
P80940	00168230	LIFE ASSIST CO	Returned Aid Supplies	-171.39
<i>Org Key: GDI503 - Interest-Equip Rental</i>				
P80922	00168218	CAPITAL ONE PUBLIC FUNDING	Lease Payment Fire Apparatus	20,049.71
<i>Org Key: GDP503 - Principal - Equip Rental</i>				
P80922	00168218	CAPITAL ONE PUBLIC FUNDING	Lease Payment Fire Apparatus	107,973.44
<i>Org Key: GGM001 - General Government-Misc</i>				
P80951	00168210	POT O' GOLD INC	COFFEE SUPPLIES JANUARY 2014	629.73
P80943	00168200	DUNBAR ARMORED	JAN2014 Armored Car Service	415.13
P80630	00168197	COMCAST	CITY HALL HIGH SPEED INTERNET	105.90
<i>Org Key: GGM004 - Gen Govt-Office Support</i>				
P80649	00168141	XEROX CORPORATION	MAIL ROOM COPIER CHARGES	553.74
P80647	00168141	XEROX CORPORATION	CM's Monthly Copy Charges 11	532.34
P80648	00168141	XEROX CORPORATION	DSG MONTHLY COPIER CHARGES	176.94
<i>Org Key: GGM005 - Genera Govt-L1 Retiree Costs</i>				
	00168160	LEOFF HEALTH & WELFARE TRUST	FIRE RETIREES LEOFF H&W TRUST	6,273.93
<i>Org Key: GX9995 - Employee Benefits-General</i>				
	00168108	WA ST EMPLOYMENT SECURITY DEPT	4TH QTR RIMBURSABLE PAYMENTS	3,157.55
<i>Org Key: GX9997 - Employee Benefits-Fire</i>				
	00168160	LEOFF HEALTH & WELFARE TRUST	FIRE ACTIVE LEOFF H&W TRUST	47,767.94
<i>Org Key: GX9998 - Employee Benefits-Maintenance</i>				
	00168108	WA ST EMPLOYMENT SECURITY DEPT	4TH QTR RIMBURSABLE PAYMENTS	9,451.35
<i>Org Key: IGMA01 - Air Pollution Control/Assess</i>				
P80821	00168211	PUGET SOUND CLEAN AIR AGENCY	2014 Clean Air Assessment	24,077.00
<i>Org Key: IS2100 - IGS Network Administration</i>				
P76480	00168119	KING COUNTY FINANCE	NOVEMBER 2013 I-NET SERVICE	1,623.00
	00168154	CENTURYLINK	PHONE USE JAN 2014	1,125.29
<i>Org Key: MT2100 - Roadway Maintenance</i>				
P80935	00168150	WEST COAST SIGNAL INC	STREET LIGHTS BUSINESS DISTRIC	7,980.44
P80893	00168133	KING COUNTY FINANCE	SIGNAL SERVICE	1,171.90
P80891	00168131	DEPT OF TRANSPORTATION	PURCHASE OF SAND AND SALT	1,160.02
P80746	00168116	EVERSON'S ECONO-VAC INC	STREETLIGHT REPLACEMENTS	630.00
P80849	00168132	HOME DEPOT CREDIT SERVICE	LUMBER & REBAR	261.11
P80901	00168238	SANDERSON SAFETY SUPPLY	SAFETY HARNESS	185.04
	00168165	PUGET SOUND ENERGY	ENERGY USE JANUARY 2014	66.73
P80851	00168226	GEMPLER'S INC	72" DOT REACHER	58.60

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: MT2500 - ROW Administration</i>				
P80889	00168124	REPUBLIC SERVICES #172	MAINT. SHOP DISPOSAL/RECYCLING	1,217.06
P80889	00168124	REPUBLIC SERVICES #172	MAINT. GARBAGE/DISPOSAL	470.98
P80813	00168240	SOUND SAFETY PRODUCTS	MISC. WORK CLOTHES	377.01
<i>Org Key: MT3100 - Water Distribution</i>				
P80855	00168231	LN CURTIS & SONS	6) 2-1/2" FIRE HOSE (50')	1,053.95
P80665	00168117	HACH COMPANY	WATER TESTING EQUIPMENT	923.51
P80871	00168227	GRAINGER	15/16" COMBINATION WRENCH	103.12
P80714	00168202	GRAINGER	LED FLASHLIGHT	62.06
P80665	00168117	HACH COMPANY	FREIGHT	52.27
P80711	00168202	GRAINGER	15/16" COMBINATION WRENCH	40.21
P80713	00168227	GRAINGER	15/16" COMBINATION WRENCH	20.11
<i>Org Key: MT3200 - Water Pumps</i>				
	00168154	CENTURYLINK	PHONE USE JAN 2014	59.42
<i>Org Key: MT3300 - Water Associated Costs</i>				
P80928	00168240	SOUND SAFETY PRODUCTS	SAFETY BOOTS & MISC. WORK CLOT	751.60
P80707	00168214	SOUND SAFETY PRODUCTS	MISC. WORK CLOTHES	276.27
P80870	00168240	SOUND SAFETY PRODUCTS	SAFETY BOOTS & MISC. WORK CLOT	223.29
P80889	00168124	REPUBLIC SERVICES #172	MAINT. SHOP DISPOSAL/RECYCLING	135.23
P80927	00168240	SOUND SAFETY PRODUCTS	MISC. WORK CLOTHES	115.96
P80710	00168214	SOUND SAFETY PRODUCTS	MISC. WORK CLOTHES	83.20
	00168156	DRUSCHBA, JOHN F	MILEAGE EXPENSE	19.04
	00168162	MOLTZ, ERIC	MILEAGE EXPENSE	14.56
<i>Org Key: MT3400 - Sewer Collection</i>				
P80850	00168235	PACIFIC INDUSTRIAL SUPPLY CO	WEB EYE SLINGS & STEEL FLAT BA	392.44
P80830	00168174	HOME DEPOT CREDIT SERVICE	MISC. TOOLS	57.69
<i>Org Key: MT3500 - Sewer Pumps</i>				
	00168165	PUGET SOUND ENERGY	ENERGY USE JANUARY 2014	773.41
P80957	00168147	OMEGA CONTRACTORS	PUMP STATION 13 REPAIRS	246.38
P80830	00168174	HOME DEPOT CREDIT SERVICE	DRILL	108.41
<i>Org Key: MT3600 - Sewer Associated Costs</i>				
P80709	00168214	SOUND SAFETY PRODUCTS	MISC. WORK CLOTHES	489.92
P80889	00168124	REPUBLIC SERVICES #172	MAINT. SHOP DISPOSAL/RECYCLING	135.23
P80879	00168245	WWCPA	WASTEWATER ANNUAL RENEWAL	45.00
<i>Org Key: MT3800 - Storm Drainage</i>				
P80890	00168116	EVERSON'S ECONO-VAC INC	27TH & 80TH AVE VACTOR WORK	1,260.00
P80933	00168228	H D FOWLER	12" PVC SEWER PIPE & 12" PLUG	276.87
P80892	00168174	HOME DEPOT CREDIT SERVICE	DIAMOND WALL BRICKS	169.18
	00168155	DEACH, THOMAS	CDL RENEWAL	85.00
<i>Org Key: MT4150 - Support Services - Clearing</i>				
P80888	00168184	TERO CONSULTING LTD	ASP SERVICE FOR WEB WORKS FOR	2,450.00
P80656	00168141	XEROX CORPORATION	DECEMBER METER AND BASE COPIER	278.47
<i>Org Key: MT4200 - Building Services</i>				
	00168165	PUGET SOUND ENERGY	ENERGY USE JANUARY 2014	2,460.05

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PO #	Check #	Vendor:	Transaction Description	Check Amount
P80974	00168148	WAVE ELECTRICAL LLC	CITY HALL ELECTRICAL REPAIRS	2,149.49
P80976	00168148	WAVE ELECTRICAL LLC	ELECTRICAL SHOP REPAIRS	1,894.35
	00168165	PUGET SOUND ENERGY	ENERGY USE JANUARY 2014	923.16
P80973	00168148	WAVE ELECTRICAL LLC	N FIRE ELECTRICAL REPAIR	810.30
P80753	00168121	PACIFIC AIR CONTROL INC	HVAC MAINT IN MAINT SHOP	301.13
P80920	00168111	CINTAS CORPORATION #460	RUG SERVICE 2013	109.64
Org Key: MT4210 - Building Landscaping				
P80889	00168124	REPUBLIC SERVICES #172	MAINT. SHOP DISPOSAL/RECYCLING	135.23
Org Key: MT4300 - Fleet Services				
P80886	00168180	OVERLAKE OIL	870 GAL. UNLEADED FUEL DELIVER	2,683.34
P80887	00168120	MI SCHOOL DISTRICT #400	DECEMBER FUEL AT SCHOOL DISTRI	2,455.98
P80903	00168180	OVERLAKE OIL	800 GAL UNLEADED DELIVERY TO T	2,397.36
P80886	00168180	OVERLAKE OIL	300 GAL DIESEL DELIVERY TO THE	1,034.55
P80885	00168234	OWEN EQUIPMENT CO	REPAIR PARTS FOR FL-0380	565.70
P80886	00168180	OVERLAKE OIL	147 GAL DIESEL DELIVERY TO THE	506.94
P80712	00168239	SIX ROBBLEES INC	REPAIR PARTS FOR FL-0327	217.05
P80924	00168227	GRAINGER	BLOCK HEATER	207.17
P80904	00168187	WA ST LICENSING	NEW POLICE VEHICLE FL -0463	47.75
Org Key: MT4501 - Water Administration				
P80914	00168142	BSK ASSOCIATES	UCMR WATER QUALITY SAMPLING 4T	715.00
P80884	00168138	SEATTLE PUBLIC UTILITIES	WATER SAMPLE FOR 2558 76TH AVE	94.00
	00168154	CENTURYLINK	PHONE USE JAN 2014	45.62
Org Key: PO1100 - Administration (PO)				
	00168107	PETTY CASH FUND POLICE DEPT	REIMBURSE PETTY CASH FUND	20.00
	00168107	PETTY CASH FUND POLICE DEPT	REIMBURSE PETTY CASH FUND	19.95
	00168107	PETTY CASH FUND POLICE DEPT	REIMBURSE PETTY CASH FUND	7.50
Org Key: PO1350 - Police Emergency Management				
P80942	00168122	PUBLIC SAFETY SUPPORT SERVICES	Zone One Coordinator services	10,000.00
P80895	00168213	REMOTE SATELLITE SYSTEMS INT'L	Sat phone fee	48.95
P80896	00168189	WASHINGTON STATE PATROL	EMAC vol background	10.00
Org Key: PO1700 - Records and Property				
P80764	00168123	PURIFIED WATER TO GO	Bottled water/Records	40.00
	00168107	PETTY CASH FUND POLICE DEPT	REIMBURSE PETTY CASH FUND	20.00
Org Key: PO2100 - Patrol Division				
P80898	00168229	KROESENS INC	Recruit uniforms	717.83
P80897	00168204	KROESENS INC	Uniform gear-Boyce	179.25
	00168107	PETTY CASH FUND POLICE DEPT	REIMBURSE PETTY CASH FUND	14.22
Org Key: PO2200 - Marine Patrol				
	00168107	PETTY CASH FUND POLICE DEPT	REIMBURSE PETTY CASH FUND	19.69
Org Key: PO2201 - Dive Team				
	00168107	PETTY CASH FUND POLICE DEPT	REIMBURSE PETTY CASH FUND	6.00
Org Key: PO3100 - Investigation Division				
P80913	00168182	SHAFFER / LSAT, ROBERT	Interview training-Kramp	295.00
	00168107	PETTY CASH FUND POLICE DEPT	REIMBURSE PETTY CASH FUND	45.00

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: PO4100 - Training</i>				
P80894	00168118	KESSELRING GUN SHOP INC	Firearms ammo	4,796.10
P80827	00168237	RENTON FISH & GAME CLUB INC	Range fees	25.00
<i>Org Key: PR1100 - Administration (PR)</i>				
P76347	00168141	XEROX CORPORATION	2013 lease charges for LB colo	160.26
P77970	00168141	XEROX CORPORATION	2013 Lease Charges for Upstair	143.64
P76347	00168141	XEROX CORPORATION	Use charges 11/21/13 to 12/21/	68.35
P80931	00168217	WA WILDLIFE & REC COALITION	Balance of 2014 Annual Agency	25.00
P77970	00168141	XEROX CORPORATION	Use charges 11/21/13 to 12/21/	14.94
<i>Org Key: PR2100 - Recreation Programs</i>				
P80912	00168192	WRPA	Conference registration and CE	279.00
<i>Org Key: PR2108 - Health and Fitness</i>				
P80876	00168171	AKANA, JANELLE H	Instruction services for Power	1,130.35
P80876	00168171	AKANA, JANELLE H	Instruction services for Power	907.94
<i>Org Key: PR4100 - Community Center</i>				
P80687	00168134	MICHAEL SKAGGS ASSOCIATES	FLOOR CARE RESTROOMS/ART ROOM	1,735.00
P80869	00168192	WRPA	WRPA Conference registrations	1,076.00
P80686	00168134	MICHAEL SKAGGS ASSOCIATES	MERCER ROOM WAX	540.00
P80943	00168200	DUNBAR ARMORED	JAN2014 Armored Car Service	442.10
P76340	00168141	XEROX CORPORATION	2013 lease charges for MICEC c	311.12
P76340	00168141	XEROX CORPORATION	Use charges 11/21/13 through	304.09
P80858	00168198	COMCAST	2014 Annual High Speed Connect	125.13
P80868	00168178	MCCLOUD, AARON	Model payment for Clothed Mode	51.00
P80867	00168183	SKANTZE, VANESSA MARIA	Model payment for Sculpture cl	51.00
P80867	00168183	SKANTZE, VANESSA MARIA	Model payment for Sculpture cl	51.00
	00168154	CENTURYLINK	PHONE USE JAN 2014	44.56
P80687	00168134	MICHAEL SKAGGS ASSOCIATES	CREDIT FOR OVERBILLING ON CCMV	-371.25
<i>Org Key: PR6100 - Park Maintenance</i>				
P80889	00168124	REPUBLIC SERVICES #172	MAINT. SHOP DISPOSAL/RECYCLING	540.91
P80874	00168186	WA RECREATION & PARK ASSN	CPSI Course & Test Member	510.00
P80750	00168222	COMPTON LUMBER & HARDWARE INC	3" X 12" X 12' ACZA LUMBER	541.47
P80854	00168227	GRAINGER	28V CORDLESS DRILL	216.94
	00168165	PUGET SOUND ENERGY	ENERGY USE JANUARY 2014	71.48
P80828	00168241	TACOMA SCREW PRODUCTS	MISC. HARDWARE	69.24
<i>Org Key: PR6200 - Athletic Field Maintenance</i>				
	00168154	CENTURYLINK	PHONE USE JAN 2014	87.00
P80848	00168174	HOME DEPOT CREDIT SERVICE	CLEANERS	46.18
<i>Org Key: PR6500 - Luther Burbank Park Maint.</i>				
P80750	00168222	COMPTON LUMBER & HARDWARE INC	TREATED 4 X 4 LUMBER, REBAR &	471.71
P80899	00168220	CEDAR GROVE COMPOSTING INC	BUILDERS BLEND TOPSOIL (15 YDS	452.51
	00168154	CENTURYLINK	PHONE USE JAN 2014	227.86
P80921	00168173	FIRE PROTECTION INC	LUTHER BURBANK ALARM REPAIR	81.42
P80608	00168221	CINTAS CORPORATION #460	Rug cleaning service for Luthe	35.27
P80608	00168221	CINTAS CORPORATION #460	Rug cleaning service for Luthe	35.27

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
Org Key: PR6600 - Park Maint-School Related				
	00168165	PUGET SOUND ENERGY	ENERGY USE JANUARY 2014	885.57
P80929	00168240	SOUND SAFETY PRODUCTS	SAFETY BOOTS & WORK CLOTHES	394.52
P80929	00168240	SOUND SAFETY PRODUCTS	SAFETY BOOTS & WORK CLOTHES	50.00
Org Key: PR6700 - I90 Park Maintenance				
P80889	00168124	REPUBLIC SERVICES #172	MAINT. SHOP DISPOSAL/RECYCLING	540.91
	00168165	PUGET SOUND ENERGY	ENERGY USE JANUARY 2014	388.08
P80614	00168185	UNITED SITE SERVICES	Portable toilet rental and ser	338.65
P80614	00168185	UNITED SITE SERVICES	Portable toilet rental and ser	142.05
P80873	00168216	T-MOBILE	2014 Services for Boat Launch	49.99
Org Key: WD312C - Sub Basin 6 Watercour Ph 2				
P80435	00168136	NATURAL SYSTEMS DESIGN	SUB-BASIN 6 PHASE II DRAINAGE	9,104.50
Org Key: WG130E - Equipment Rental Vehicle Repl				
P79744	00168196	COLUMBIA FORD	POLICE VEHICLE REPLACEMENT FOR	28,848.92
P80701	00168114	DAY WIRELESS SYSTEMS	TWO WAY RADIO FOR FL-0457	871.73
Org Key: WG141E - CCMV Equipment Replacement				
P80698	00168179	OFFICEMAX INCORPORATED	Chairs for Mercer Room	2,921.46
Org Key: WP122R - Vegetation Management				
P77830	00168115	EARTHCORPS INC	2013-14 Open Space Vegetation	773.50
P77829	00168115	EARTHCORPS INC	2013-14 Open Space Vegetation	702.10
P77459	00168125	SIGNATURE LANDSCAPE SERVICES	2013-14 Open Space Vegetation	171.36
P80614	00168185	UNITED SITE SERVICES	Portable toilet rental and ser	75.60
Org Key: WP303R - Luther BB Shoreline Phase 2				
P80785	00168175	ISSAQUAH SIGNS	Restoration project signs for	71.17
Org Key: WP303S - Luther S Shoreline Des				
P80785	00168175	ISSAQUAH SIGNS	Restoration project signs for	71.18
Org Key: WP720R - Recurring Park Projects				
P80409	00168225	FAIRWEATHER SITE FURNISHINGS	South Mercer Bollard Replaceme	1,006.31
P80749	00168222	COMPTON LUMBER & HARDWARE INC	TREATED LUMBER	226.15
P80750	00168222	COMPTON LUMBER & HARDWARE INC	CREDIT-RETURNED LUMBER	-395.12
Org Key: WS320R - Pump Sta 14 Modernization				
P77435	00168137	PARAMETRIX	PUMP STATION 14 MODERNIZATION	8,990.10
Org Key: WS330T - Sewer Telemetry Improvements				
P78895	00168110	CASNE ENGINEERING INC	PHASE 3 TELEMETRY DESIGN	9,567.90
Org Key: WW101P - Water System Plan				
P80918	00168144	HDR ENGINEERING INC	2015 WATER SYSTEM PLAN UPDATES	705.13
Org Key: WW311R - 88th Ave and 86th Ave Water				
P79784	00168127	STANTEC CONSULTING SRVS INC	88TH AVE & 86TH AVE SE WATER S	2,892.97
Org Key: XD313C - Decant Facility				
P80915	00168145	HERRERA ENVIRONMENTAL CONSULT	DECANT FACILITY RETROFIT,	2,051.04
P80915	00168145	HERRERA ENVIRONMENTAL CONSULT	DECANT FACILITY RETROFIT DESIG	1,408.02

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: XG150T - Small Tech/Equipment</i>				
P80975	00168146	MORGAN SOUND	MITV CH.21	6,570.00
P80969	00168146	MORGAN SOUND	COUNCIL CHAMBERS AUDIO	226.29
<i>Org Key: XG300R - Fire Station 92 Replacement</i>				
P80919	00168143	CORP INC CONSTRUCTION	FS 92 BUILDING CONTRACTOR	104,982.99
P80916	00168149	WELLS FARGO aCCT#3632432377	FS 92 RETAINAGE	5,023.11
P76634	00168130	DEDOMINICIS, AMY E	FS 92 Project Management	2,259.72
P78842	00168244	WESTHILL ELECTRONICS	UHF Repeaters/Station 92	2,026.36
	00168154	CENTURYLINK	PHONE USE JAN 2014	70.95
<i>Org Key: YF1100 - YFS General Services</i>				
P76347	00168141	XEROX CORPORATION	Use charges 11/21/13 to 12/21/	557.14
P80732	00168113	DATAQUEST LLC	Background checks for tshop	215.00
P80943	00168200	DUNBAR ARMORED	JAN2014 Armored Car Service	205.32
P76347	00168141	XEROX CORPORATION	2013 lease charges for LB colo	160.26
P80883	00168176	KELLY PAPER	Paper and envelope stock suppl	113.60
<i>Org Key: YF1200 - Thrift Shop</i>				
P80943	00168200	DUNBAR ARMORED	JAN2014 Armored Car Service	422.51
P80798	00168209	PACIFIC MODULAR	CLEAN THRIFT SHOP CARPET	315.00
<i>Org Key: YF2600 - Family Assistance</i>				
P80945	00168206	MI SCHOOL DISTRICT #400	Preschool scholarship for Jan-	1,230.00
P80946	00168205	MERCER ISLAND LEARNING LAB	Preschool scholarship for Dec	615.00
P80909	00168181	PUGET SOUND ENERGY	utility ass't for EA client FT	600.00
P80947	00168212	PUGET SOUND ENERGY	Utility ass't for EA client 60	600.00
P80908	00168181	PUGET SOUND ENERGY	Utility ass't for EA client MH	421.99
P80906	00168181	PUGET SOUND ENERGY	utility ass't for EA client SD	357.78
P80905	00168177	KIDS COMPANY	childcare payment for EA clien	341.00
P80907	00168181	PUGET SOUND ENERGY	utility ass't for EA client IR	299.93
<i>Org Key: YF2800 - Fed Drug Free Communities Gran</i>				
P80944	00168207	MONTANA STATE UNIVERSITY	PCN Guide Services for MOST of	3,000.00
Total				556,636.75

CERTIFICATION OF CLAIMS

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Mercer Island, and that I am authorized to authenticate and certify to said claim.



Finance Director

I, the undersigned, do hereby certify that the City Council has reviewed the documentation supporting claims paid and approved all checks or warrants issued in payment of claims.

Mayor

Date

<u>Report</u>	<u>Warrants</u>	<u>Date</u>	<u>Amount</u>
Check Register	168246-168350	02/06/14	\$ 209,899.11
			\$ 209,899.11

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00168246	02/06/2014	BRITTON, AMBER J FLEX SPEND REIMB		27JAN2014	01/27/2014	1,007.88
00168247	02/06/2014	CANTER, DAVID FLEX SPEND REIMB		24JAN2014	01/24/2014	2,500.00
00168248	02/06/2014	GENTINO, CATHERINE L FLEX SPEND REIMB		27JAN2014	01/27/2014	197.94
00168249	02/06/2014	MCWATTERS, BRIAN FLEX SPEND REIMB		27JAN2014	01/27/2014	347.39
00168250	02/06/2014	ROCK, R BRIAN FLEX SPEND REIMB		27JAN2014	01/27/2014	365.71
00168251	02/06/2014	CENTURYLINK PHONE USE JAN2014		012314B	01/23/2014	1,294.47
00168252	02/06/2014	COMPLETE OFFICE OFFICE SUPPLIES		JAN2014STMT	01/31/2013	5,242.10
00168253	02/06/2014	GRAUSZ, DANIEL AWC CITY DAYS CONF EXPENSES		OH002271	02/03/2014	114.57
00168254	02/06/2014	PUGET SOUND ENERGY ENERGY USE JAN2014		012314A	01/23/2014	22,436.84
00168255	02/06/2014	TROY, BRIAN MILEAGE EXPENSE		OH002272	02/03/2014	34.15
00168256	02/06/2014	ACH HOMES LLC WATER METER INSTALL REFUND		13050148	01/24/2014	90.02
00168257	02/06/2014	ARCHITECTURE COLLABORATIVE SIGN DEPOSIT REFUND		DEV13056	01/28/2014	200.00
00168258	02/06/2014	BABB, MICHELLE Wellness Programming January 2	P80959	OH002258	01/29/2014	200.00
00168259	02/06/2014	BABCOCK, THOMAS SEWER LICENCE RENEWAL		OH002251	01/27/2014	15.00
00168260	02/06/2014	BONNEMA, TILLY Zumba pass refund. Class cancel	P81000	OH002262	01/31/2014	19.72
00168261	02/06/2014	CONFIDENTIAL DATA DISPOSAL Shredding	P81017	72102	01/22/2014	100.00
00168262	02/06/2014	GOLDSTEIN, KAITLIN contract 18240 complete, retur	P80997	18240	01/31/2014	7.50
00168263	02/06/2014	HART, DAVID R MILEAGE EXPENSE		OH002253	01/30/2014	127.00
00168264	02/06/2014	HONEYWELL, MATTHEW V Public Defender Inv #779	P80986	779	01/21/2014	660.00
00168265	02/06/2014	KC RECORDS RECORDING FEE FOR PED & MAINT	P81007	OH002263	01/31/2014	79.00
00168266	02/06/2014	KELLER WILLIAMS Contract 17571 complete, depos	P80998	17571	01/31/2014	150.00
00168267	02/06/2014	KEVEREN, BREANNA SEATTLE WEDDING SHOW EXPENSES		OH002255	01/24/2014	33.75
00168268	02/06/2014	MCCLOUD, AARON Model payment for Clothed Mode	P80984	OH002261	01/30/2014	51.00
00168269	02/06/2014	MERCER TOWN LLC REFUND HYDRANT METER DEPOSIT		1401058	01/24/2014	1,748.52
00168270	02/06/2014	NOVAK, JOHN WELD/REPAIR STATION CHAIR		OH002254	01/31/2014	43.48
00168271	02/06/2014	ON THE ROCK 98040 LLC SIGN DEPOSIT REFUND		SUB13008	01/28/2014	200.00

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00168272	02/06/2014	POT O' GOLD INC EQUIPMENT RENTAL JANUARY 2014	P80965	240106	01/31/2014	27.38
00168273	02/06/2014	RICHARDS, KIMBERLY SUPPLIES		OH002250	01/24/2014	433.73
00168274	02/06/2014	STORAGE COURT LLC FS 92 TEMP HOUSING JAN-SEPT 20	P80761	02310	01/27/2014	2,500.00
00168275	02/06/2014	SYLVETSKY, LESLIE SENIOR SOCIAL SUPPLIES		OH002252	01/24/2014	268.32
00168276	02/06/2014	TROY, BRIAN SAFETY BOOTS & WORK CLOTHES		OH002247	01/24/2014	348.16
00168277	02/06/2014	WASHINGTON STATE UNIVERSITY EMAC conference	P80960	OH002259	01/29/2014	295.00
00168278	02/06/2014	WILDFANG CONSTRUCTION REFUND HYDRANT METER DEPOSIT		OH002257	01/22/2014	2,400.00
00168279	02/06/2014	WILSON, DANIELLE Model payment for sculpture cl	P80985	OH002260	01/30/2014	51.00
00168280	02/06/2014	WRPA 2014 Professional Memberships	P80958	200000061	01/15/2014	2,183.00
00168281	02/06/2014	3M MAM1123 Marine Patrol equip	P80961	94763002	01/20/2014	290.09
00168282	02/06/2014	CDW GOVERNMENT INC Adobe Acrobat License v11	P80817	JH36313	01/17/2014	7,763.03
00168283	02/06/2014	CINTAS CORPORATION #460 Rug cleaning service for Luthe	P80608	460814771	01/30/2014	35.27
00168284	02/06/2014	COLUMBIA FORD POLICE VEHICLE REPLACEMENT FOR	P79745	3E540	01/30/2014	29,848.92
00168285	02/06/2014	COPIERS NORTHWEST INC REMOVAL & DISPOSAL OF LOBBY CO	P80964	INV984003	01/27/2014	328.50
00168286	02/06/2014	KC RECORDS RECORDING FEE FOR ENCROACHMENT	P80979	OH002266	01/30/2014	79.00
00168287	02/06/2014	KC RECORDS RECORDING FEES FOR HOLD HARMLE	P80980	OH002265	01/30/2014	753.00
00168288	02/06/2014	KC RECORDS RECORDING FEES FOR HOLD HARMLE	P80981	OH002267	01/30/2014	525.00
00168289	02/06/2014	KC RECORDS RECORDING FEES FOR HOLD HARMLE	P80978	OH002268	01/30/2014	301.00
00168290	02/06/2014	LIFE ASSIST CO EMT supplies	P80962	663918	01/17/2014	437.57
00168291	02/06/2014	PACIFIC AIR CONTROL INC WORK PERFORMED 12/27/2013 COMM	P80993	170889	01/20/2014	1,491.39
00168292	02/06/2014	RENTON FISH & GAME CLUB INC Qual for new recruit	P81018	OH002269	01/31/2014	50.00
00168293	02/06/2014	SHERWIN-WILLIAMS CO, THE OPERATING SUPPLIES	P80972	26717	01/29/2014	210.50
00168294	02/06/2014	WA FITNESS SERVICES INC Quarterly Maintenance at City	P81020	W14653	02/01/2014	184.96
00168295	02/06/2014	WHEELER, DENNIS LEOFF1 Retiree Medical Expense	P81019	OH002264	02/03/2014	299.16
00168296	02/06/2014	XEROX CORPORATION January 2014 printer toner and	P81001	701717894	01/24/2014	788.22
00168297	02/06/2014	3045 81ST PLACE SE LLC Rental ass't for EA client VD	P81013	OH002274	02/03/2014	600.00

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00168298	02/06/2014	AKANA, JANELLE H Instruction services for Enhan	P81009	14110	02/03/2014	108.00
00168299	02/06/2014	CADMAN INC MISC. WORK CLOTHES	P80995	30466983	01/28/2014	133.46
00168300	02/06/2014	DEDOMINICIS, AMY E FS 92 Project Management	P76634	501386	02/03/2014	2,950.00
00168301	02/06/2014	DEPT OF EARLY LEARNING (DEL) Background check for EA clien	P81015	OH002273	02/03/2014	12.00
00168302	02/06/2014	DEPT OF HEALTH 2014 DOH OPERATING PERMIT	P81006	OH002277	02/03/2014	10,962.80
00168303	02/06/2014	FERGUSON ENTERPRISES INC INVENTORY PURCHASES	P80948	0402540	01/23/2014	428.58
00168304	02/06/2014	GRAINGER INVENTORY PURCHASES	P81010	9350026549/35162	01/27/2014	171.12
00168305	02/06/2014	H D FOWLER 18 X 24 FRAME & SOLID LID	P80949	3555304/3555715	01/23/2014	299.89
00168306	02/06/2014	HOME DEPOT CREDIT SERVICE INVENTORY PURCHASES	P80953	0293820021719	01/29/2014	415.94
00168307	02/06/2014	ISSAQUAH CEDAR & LUMBER CO Split rails and posts for LB P	P81008	82760	01/31/2014	147.72
00168308	02/06/2014	LAKESIDE INDUSTRIES EZ STREET ASPHALT (5 TONS)	P80996	3249010/3249061	01/15/2014	558.45
00168309	02/06/2014	MAILFINANCE INC 2014 postage meter lease for L	P80618	H4455321	01/28/2014	178.84
00168310	02/06/2014	McLENDON HARDWARE INC INVENTORY PURCHASES	P81002	3948092	01/31/2014	73.14
00168311	02/06/2014	MONTANA STATE UNIVERSITY Student Survey project for MIH	P81014	512	01/29/2014	7,772.25
00168312	02/06/2014	OLYMPIC ENVIRONMENTAL RES 2014 RECYCLING PROGRAM	P81024	1	01/31/2014	1,050.00
00168313	02/06/2014	SEATTLE PUBLIC UTILITIES Jan.2014 SPU Service Connectio	P81034	OH002276	02/03/2014	6,076.00
00168314	02/06/2014	SIX ROBBLEES INC REPAIR PARTS	P81023	1804555	01/21/2014	254.11
00168315	02/06/2014	STONEWAY CONSTRUCTION SUPPLY WATER DISTRIBUTION MATERIALS	P81022	1056087	01/28/2014	144.54
00168316	02/06/2014	SUNRISE ENVIRO SCIENTIFIC INVENTORY PURCHASES	P81011	34750	01/24/2014	170.82
00168317	02/06/2014	TACOMA SCREW PRODUCTS INVENTORY PURCHASES	P80936	30479330	01/27/2014	410.43
00168318	02/06/2014	VERIZON WIRELESS DSG MONTHLY PHONE & DATA CHARG	P81038	9718895887	01/23/2014	258.04
00168319	02/06/2014	WA ST LICENSING NEW POLICE VEHICLE REGISTRATIO	P80930	OH002275	02/03/2014	47.75
00168320	02/06/2014	XEROX CORPORATION MONTHLY COPY CHARGES FOR DSG C	P81037	072448699	02/01/2014	734.58
00168321	02/06/2014	AT&T MOBILITY CIS aircard	P81050	2831338X02022014	01/24/2014	45.49
00168322	02/06/2014	CHIEF SUPPLY CORP Flashlights repair parts	P81056	385355	01/29/2014	501.99
00168323	02/06/2014	CLEANERS PLUS 1 Uniform cleaning	P81033	73587	02/01/2014	219.67

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00168324	02/06/2014	CRUTCHER, SADIQUA IMAN Model Payment for Clothed Mode	P81053	OH002279	02/04/2014	51.00
00168325	02/06/2014	CRYSTAL SPRINGS Coffee supplies for MICEC	P81041	13123243012414	01/24/2014	235.28
00168326	02/06/2014	FASTSIGNS OF BELLEVUE PLANNING SIGNS FOR POSTING	P80991	B67635	01/30/2014	514.65
00168327	02/06/2014	KING COUNTY METRO Contract 18068 complete, depos	P81040	18068	02/04/2014	27.50
00168328	02/06/2014	KROESENS INC Uniform tailoring-Burns	P81052	15487	01/21/2014	133.02
00168329	02/06/2014	OVERLAKE OIL 2014 FUEL UNLEADED AND DIESEL	P81029	0114743/164799/1	01/22/2014	6,958.37
00168330	02/06/2014	PRODUCT MANAGEMENT CONSORTIUM Contract 17292 complete, depos	P80983	17292	01/30/2014	50.00
00168331	02/06/2014	PUGET SOUND BUSINESS JOURNAL MICEC Subscription to the Puge	P81054	OH002280	02/04/2014	96.00
00168332	02/06/2014	SIX ROBBLEES INC REPAIR PARTS FOR FL-0459	P81031	1802535	01/22/2014	567.87
00168333	02/06/2014	USA MOBILITY WIRELESS INC Pagers	P81049	X3739542B	01/31/2014	78.88
00168334	02/06/2014	VERIZON WIRELESS Cell phones	P81055	9718895885	01/23/2014	1,067.57
00168335	02/06/2014	WINGFOOT COMMERCIAL TIRE TIRE INVENTORY	P81032	1951113472	01/06/2014	447.39
00168336	02/06/2014	X5 SOLUTIONS INC Telephone - Long Distance	P80621	OH002278	02/01/2014	235.10
00168337	02/06/2014	XEROX CORPORATION MAIL ROOM COPY CHARGES	P81060	072448697	02/01/2014	623.84
00168338	02/06/2014	XEROX CORPORATION Records copier fee	P81048	072448700/48702	02/01/2014	487.10
00168339	02/06/2014	ZEE MEDICAL Medical supplies Records	P81051	68249785	02/04/2014	113.20
00168340	02/06/2014	ASPHALT PATCH SYSTEMS INC 2013 RESIDENTIAL REPAIRS	P81012	36559	01/24/2014	3,333.83
00168341	02/06/2014	GOLDER ASSOCIATES INC GROUNDWATER COMPLIANCE MONITOR	P77173	374728	01/27/2014	3,399.70
00168342	02/06/2014	KEATING BUCKLIN & MCCORMACK Legal Services Inv #3714	P80988	3714	01/21/2014	1,971.30
00168343	02/06/2014	LYBECK MURPHY LLP Legal Services Inv #28935	P80990	28935	11/08/2013	325.00
00168344	02/06/2014	OGDEN MURPHY WALLACE PLLC Legal Services Inv #709868	P80989	709868	01/16/2014	1,523.77
00168345	02/06/2014	OMEGA CONTRACTORS SEWER PUMP STATUATORY I BEAM	P81005	OH002244	12/11/2013	25,968.25
00168346	02/06/2014	SEATTLE PUBLIC UTILITIES 12/2013 SPU New Service Connec	P81021	OH002245	12/31/2013	17,821.00
00168347	02/06/2014	STARBUCK'S TOWING TOWING FOR FL-0427	P81003	69354	12/11/2013	194.91
00168348	02/06/2014	SUMMIT LAW GROUP Legal Services Inv #65871	P80987	65871	01/15/2014	59.00
00168349	02/06/2014	WA AUDIOLOGY SERVICES INC ANNUAL HEARING TEST FOR D. HAR	P81004	42896	01/23/2014	48.00

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00168350	02/06/2014	WAVE ELECTRICAL LLC MICEC light repairs	P80992	13177	12/31/2013	19,683.73
Total						<u>209,899.11</u>

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
Org Key: 001000 - General Fund-Admin Key				
P80998	00168266	KELLER WILLIAMS	Contract 17571 complete, depos	150.00
P80983	00168330	PRODUCT MANAGEMENT CONSORTIUM	Contract 17292 complete, depos	50.00
P81040	00168327	KING COUNTY METRO	Contract 18068 complete, depos	27.50
P81000	00168260	BONNEMA, TILLY	Zumba pass refund. Class cancel	19.72
P80997	00168262	GOLDSTEIN, KAITLIN	contract 18240 complete, retur	7.50
Org Key: 402000 - Water Fund-Admin Key				
P81021	00168346	SEATTLE PUBLIC UTILITIES	12/2013 SPU New Service Connec	17,821.00
P81034	00168313	SEATTLE PUBLIC UTILITIES	Jan.2014 SPU Service Connectio	6,076.00
	00168278	WILDFANG CONSTRUCTION	REFUND HYDRANT METER DEPOSIT	2,400.00
	00168269	MERCER TOWN LLC	REFUND HYDRANT METER DEPOSIT	1,600.00
P80948	00168303	FERGUSON ENTERPRISES INC	INVENTORY PURCHASES	428.58
P80953	00168306	HOME DEPOT CREDIT SERVICE	INVENTORY PURCHASES	183.35
	00168269	MERCER TOWN LLC	WATER METER INSTALL REFUND	148.52
P81011	00168316	SUNRISE ENVIRO SCIENTIFIC	INVENTORY PURCHASES	170.82
	00168256	ACH HOMES LLC	WATER METER INSTALL REFUND	90.02
P81002	00168310	McLENDON HARDWARE INC	INVENTORY PURCHASES	73.14
P81010	00168304	GRAINGER	INVENTORY PURCHASES	66.72
P80936	00168317	TACOMA SCREW PRODUCTS	INVENTORY PURCHASES	24.22
Org Key: CA1100 - Administration (CA)				
P80988	00168342	KEATING BUCKLIN & MCCORMACK	Legal Services Inv #3714	1,971.30
P80989	00168344	OGDEN MURPHY WALLACE PLLC	Legal Services Inv #709868	1,523.77
P80990	00168343	LYBECK MURPHY LLP	Legal Services Inv #28935	325.00
P80987	00168348	SUMMIT LAW GROUP	Legal Services Inv #65871	59.00
P81001	00168296	XEROX CORPORATION	January 2014 printer toner and	46.93
Org Key: CA1200 - Prosecution & Criminal Mngmnt				
P80986	00168264	HONEYWELL, MATTHEW V	Public Defender Inv #779	660.00
Org Key: CM1100 - Administration (CM)				
	00168252	COMPLETE OFFICE	OFFICE SUPPLIES	16.95
Org Key: CO6100 - City Council				
	00168253	GRAUSZ, DANIEL	AWC CITY DAYS CONF EXPENSES	114.57
P81001	00168296	XEROX CORPORATION	January 2014 printer toner and	68.69
Org Key: CR1100 - CORE Admin and Human Resources				
P80959	00168258	BABB, MICHELLE	Wellness Programming January 2	200.00
P81020	00168294	WA FITNESS SERVICES INC	Quarterly Maintenance at City	184.96
P81001	00168296	XEROX CORPORATION	January 2014 printer toner and	19.06
Org Key: DS0000 - Development Services-Revenue				
P80980	00168287	KC RECORDS	RECORDING FEES FOR HOLD HARMLE	753.00
P80981	00168288	KC RECORDS	RECORDING FEES FOR HOLD HARMLE	525.00
P80978	00168289	KC RECORDS	RECORDING FEES FOR HOLD HARMLE	301.00
	00168257	ARCHITECTURE COLLABORATIVE	SIGN DEPOSIT REFUND	200.00
	00168271	ON THE ROCK 98040 LLC	SIGN DEPOSIT REFUND	200.00
Org Key: DS1100 - Administration (DS)				
P81038	00168318	VERIZON WIRELESS	DSG MONTHLY PHONE & DATA	258.04
P81001	00168296	XEROX CORPORATION	January 2014 printer toner and	48.49

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
	00168252	COMPLETE OFFICE	OFFICE SUPPLIES	17.26
<i>Org Key: DS1300 - Land Use Planning Svc</i>				
P80991	00168326	FASTSIGNS OF BELLEVUE	PLANNING SIGNS FOR POSTING	514.65
P80831	00168282	CDW GOVERNMENT INC	Adobe Acrobat License v11	384.65
<i>Org Key: FN1100 - Administration (FN)</i>				
	00168252	COMPLETE OFFICE	OFFICE SUPPLIES	2,091.17
P81001	00168296	XEROX CORPORATION	January 2014 printer toner and	41.13
<i>Org Key: FN4501 - Utility Billing (Water)</i>				
P81001	00168296	XEROX CORPORATION	January 2014 printer toner and	22.06
<i>Org Key: FR1100 - Administration (FR)</i>				
	00168252	COMPLETE OFFICE	OFFICE SUPPLIES	73.05
	00168270	NOVAK, JOHN	WELD/REPAIR STATION CHAIR	43.48
<i>Org Key: FR2100 - Fire Operations</i>				
P81001	00168296	XEROX CORPORATION	January 2014 printer toner and	84.78
<i>Org Key: GGM001 - General Government-Misc</i>				
P80965	00168272	POT O' GOLD INC	EQUIPMENT RENTAL JANUARY 2014	27.38
<i>Org Key: GGM004 - Gen Govt-Office Support</i>				
P81060	00168337	XEROX CORPORATION	MAIL ROOM COPY CHARGES	623.84
P81037	00168320	XEROX CORPORATION	MONTHLY COPY CHARGES FOR CM'S	515.69
P80964	00168285	COPIERS NORTHWEST INC	REMOVAL & DISPOSAL OF LOBBY CO	328.50
P81036	00168320	XEROX CORPORATION	MONTHLY COPY CHARGES FOR DSG C	218.89
P80618	00168309	MAILFINANCE INC	2014 postage meter lease for L	178.84
	00168252	COMPLETE OFFICE	OFFICE SUPPLIES	164.46
	00168252	COMPLETE OFFICE	OFFICE SUPPLIES	134.33
	00168252	COMPLETE OFFICE	OFFICE SUPPLIES	89.75
	00168252	COMPLETE OFFICE	OFFICE SUPPLIES	46.96
<i>Org Key: GGM005 - Genera Govt-L1 Retiree Costs</i>				
P81019	00168295	WHEELER, DENNIS	LEOFF1 Retiree Medical Expense	299.16
<i>Org Key: IS2100 - IGS Network Administration</i>				
P80818	00168282	CDW GOVERNMENT INC	TrendMicro License Renewal 1yr	2,617.05
	00168251	CENTURYLINK	PHONE USE JAN2014	791.72
P80621	00168336	X5 SOLUTIONS INC	Telephone - Long Distance	235.10
P81001	00168296	XEROX CORPORATION	January 2014 printer toner and	18.98
<i>Org Key: MT2100 - Roadway Maintenance</i>				
P81012	00168340	ASPHALT PATCH SYSTEMS INC	2013 RESIDENTIAL REPAIRS	3,333.83
	00168254	PUGET SOUND ENERGY	ENERGY USE JAN2014	269.15
	00168254	PUGET SOUND ENERGY	ENERGY USE JANUARY 2014	13.75
<i>Org Key: MT2300 - Planter Bed Maintenance</i>				
	00168254	PUGET SOUND ENERGY	ENERGY USE JAN2014	13.04
<i>Org Key: MT2500 - ROW Administration</i>				
	00168252	COMPLETE OFFICE	OFFICE SUPPLIES	68.59
<i>Org Key: MT3000 - Water Service Upsizes and New</i>				

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
P80936	00168317	TACOMA SCREW PRODUCTS	BOLTS & NUTS FOR METERS	337.87
P80996	00168308	LAKESIDE INDUSTRIES	EZ STREET ASPHALT (5 TONS)	223.38
<i>Org Key: MT3100 - Water Distribution</i>				
P80996	00168308	LAKESIDE INDUSTRIES	EZ STREET ASPHALT (5 TONS)	335.07
P80963	00168306	HOME DEPOT CREDIT SERVICE	TUBE CUTTERS	161.97
P81022	00168315	STONEWAY CONSTRUCTION SUPPLY	WATER DISTRIBUTION MATERIALS	144.54
P81010	00168304	GRAINGER	UY2 CONNECTORS & DISP. BOOTIES	104.40
P81001	00168296	XEROX CORPORATION	January 2014 printer toner and	19.12
<i>Org Key: MT3200 - Water Pumps</i>				
	00168254	PUGET SOUND ENERGY	ENERGY USE JAN2014	2,344.60
<i>Org Key: MT3300 - Water Associated Costs</i>				
	00168255	TROY, BRIAN	MILEAGE EXPENSE	34.15
<i>Org Key: MT3500 - Sewer Pumps</i>				
	00168254	PUGET SOUND ENERGY	ENERGY USE JAN2014	3,108.66
	00168251	CENTURYLINK	PHONE USE JAN2014	502.75
<i>Org Key: MT3600 - Sewer Associated Costs</i>				
	00168259	BABCOCK, THOMAS	SEWER LICENCE RENEWAL	15.00
<i>Org Key: MT3800 - Storm Drainage</i>				
P80950	00168305	H D FOWLER	18 X 24 FRAME & SOLID LID	255.46
<i>Org Key: MT4101 - Support Services - General Fd</i>				
	00168252	COMPLETE OFFICE	OFFICE SUPPLIES	96.41
<i>Org Key: MT4150 - Support Services - Clearing</i>				
P81001	00168296	XEROX CORPORATION	January 2014 printer toner and	84.11
P81004	00168349	WA AUDIOLOGY SERVICES INC	ANNUAL HEARING TEST FOR D. HAR	48.00
<i>Org Key: MT4200 - Building Services</i>				
	00168254	PUGET SOUND ENERGY	ENERGY USE JAN2014	6,927.36
	00168254	PUGET SOUND ENERGY	ENERGY USE JAN2014	2,574.59
P80971	00168293	SHERWIN-WILLIAMS CO, THE	OPERATING SUPPLIES	128.37
<i>Org Key: MT4300 - Fleet Services</i>				
P81029	00168329	OVERLAKE OIL	2014 FUEL UNLEADED AND DIESEL	6,958.37
P81031	00168332	SIX ROBBLEES INC	REPAIR PARTS FOR FL-0459	567.87
P81032	00168335	WINGFOOT COMMERCIAL TIRE	TIRE INVENTORY	447.39
P81023	00168314	SIX ROBBLEES INC	REPAIR PARTS	254.11
P81003	00168347	STARBUCK'S TOWING	TOWING FOR FL-0427	194.91
P80930	00168319	WA ST LICENSING	NEW POLICE VEHICLE REGISTRATIO	47.75
<i>Org Key: MT4450 - Cust Resp - Clearing Acct</i>				
	00168263	HART, DAVID R	MILEAGE EXPENSE	112.00
	00168263	HART, DAVID R	SEWER CERTIFICATION	15.00
<i>Org Key: MT4501 - Water Administration</i>				
P81006	00168302	DEPT OF HEALTH	2014 DOH OPERATING PERMIT	10,962.80
<i>Org Key: MT4900 - Solid Waste</i>				
P81024	00168312	OLYMPIC ENVIRONMENTAL RES	2014 RECYCLING PROGRAM	1,050.00

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
Org Key: MTBE01 - Maint of Medians & Planters				
	00168254	PUGET SOUND ENERGY	ENERGY USE JAN2014	1,574.21
Org Key: PO1100 - Administration (PO)				
P81055	00168334	VERIZON WIRELESS	Cell phones	1,067.57
P81052	00168328	KROESENS INC	Uniform tailoring-Burns	133.02
P81049	00168333	USA MOBILITY WIRELESS INC	Pagers	78.88
P81001	00168296	XEROX CORPORATION	January 2014 printer toner and	27.38
Org Key: PO1350 - Police Emergency Management				
P80960	00168277	WASHINGTON STATE UNIVERSITY	EMAC conference	295.00
Org Key: PO1700 - Records and Property				
P81048	00168338	XEROX CORPORATION	Records copier fee	268.74
P81048	00168338	XEROX CORPORATION	Admin copier fee	218.36
P81051	00168339	ZEE MEDICAL	Medical supplies Records	113.20
P81017	00168261	CONFIDENTIAL DATA DISPOSAL	Shredding	100.00
P81001	00168296	XEROX CORPORATION	January 2014 printer toner and	20.72
Org Key: PO2100 - Patrol Division				
P81056	00168322	CHIEF SUPPLY CORP	Flashlights repair parts	501.99
P81033	00168323	CLEANERS PLUS 1	Uniform cleaning	219.67
P81001	00168296	XEROX CORPORATION	January 2014 printer toner and	95.27
	00168252	COMPLETE OFFICE	OFFICE SUPPLIES	83.61
Org Key: PO2200 - Marine Patrol				
P80962	00168290	LIFE ASSIST CO	EMT supplies	437.57
P80961	00168281	3M MAM1123	Marine Patrol equip	290.09
Org Key: PO3100 - Investigation Division				
P81050	00168321	AT&T MOBILITY	CIS aircard	45.49
P81001	00168296	XEROX CORPORATION	January 2014 printer toner and	38.13
Org Key: PO4100 - Training				
P81018	00168292	RENTON FISH & GAME CLUB INC	Qual for new recruit	50.00
Org Key: PR1100 - Administration (PR)				
P80968	00168280	WRPA	2014 Professional Memberships	546.00
P80958	00168280	WRPA	Conference registration fees f	353.50
	00168252	COMPLETE OFFICE	OFFICE SUPPLIES	99.63
Org Key: PR2100 - Recreation Programs				
P80968	00168280	WRPA	2014 Professional Memberships	468.00
	00168252	COMPLETE OFFICE	OFFICE SUPPLIES	27.66
P81001	00168296	XEROX CORPORATION	January 2014 printer toner and	18.82
Org Key: PR2108 - Health and Fitness				
P81009	00168298	AKANA, JANELLE H	Instruction services for Enhan	108.00
Org Key: PR3500 - Senior Services				
	00168275	SYLVETSKY, LESLIE	SENIOR SOCIAL SUPPLIES	220.44
P80968	00168280	WRPA	2014 Professional Memberships	156.00
	00168275	SYLVETSKY, LESLIE	SENIOR SOCIAL SUPPLIES	47.88
P81001	00168296	XEROX CORPORATION	January 2014 printer toner and	18.82

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
Org Key: PR4100 - Community Center				
	00168254	PUGET SOUND ENERGY	ENERGY USE JAN2014	1,908.86
P80999	00168350	WAVE ELECTRICAL LLC	MICEC light repairs	1,834.13
P80968	00168280	WRPA	2014 Professional Memberships	312.00
	00168252	COMPLETE OFFICE	OFFICE SUPPLIES	261.91
P81041	00168325	CRYSTAL SPRINGS	Coffee supplies for MICEC	235.28
P80287	00168282	CDW GOVERNMENT INC	AXIS Camera Station Base Pack	183.87
P81054	00168331	PUGET SOUND BUSINESS JOURNAL	MICEC Subscription to the Puge	96.00
P80984	00168268	MCCLOUD, AARON	Model payment for Clothed Mode	51.00
P80985	00168279	WILSON, DANIELLE	Model payment for sculpture cl	51.00
P81053	00168324	CRUTCHER, SADIQUA IMAN	Model Payment for Clothed Mode	51.00
P81001	00168296	XEROX CORPORATION	January 2014 printer toner and	39.49
	00168267	KEVEREN, BREANNA	SEATTLE WEDDING SHOW EXPENSES	33.75
Org Key: PR6100 - Park Maintenance				
	00168254	PUGET SOUND ENERGY	ENERGY USE JAN2014	1,221.43
P80982	00168280	WRPA	Conference registration fee fo	185.00
P80995	00168299	CADMAN INC	MISC. WORK CLOTHES	133.46
P80953	00168306	HOME DEPOT CREDIT SERVICE	PAINT HARDNER	70.62
P80949	00168305	H D FOWLER	PVC CEMENT	44.43
P81001	00168296	XEROX CORPORATION	January 2014 printer toner and	19.04
Org Key: PR6200 - Athletic Field Maintenance				
P80958	00168280	WRPA	Conference registration fees f	84.50
P80968	00168280	WRPA	2014 Professional Memberships	78.00
Org Key: PR6500 - Luther Burbank Park Maint.				
	00168254	PUGET SOUND ENERGY	ENERGY USE JAN2014	1,747.64
P80608	00168283	CINTAS CORPORATION #460	Rug cleaning service for Luth	35.27
Org Key: PR6700 - I90 Park Maintenance				
	00168276	TROY, BRIAN	SAFETY BOOTS & WORK CLOTHES	348.16
	00168254	PUGET SOUND ENERGY	ENERGY USE JAN2014	88.42
Org Key: PY4613 - Flex Admin 2013				
	00168246	BRITTON, AMBER J	FLEX SPEND REIMB	1,007.88
	00168250	ROCK, R BRIAN	FLEX SPEND REIMB	365.71
	00168249	MCWATTERS, BRIAN	FLEX SPEND REIMB	347.39
	00168248	GENTINO, CATHERINE L	FLEX SPEND REIMB	197.94
Org Key: PY4614 - Flex Spending Admin				
	00168247	CANTER, DAVID	FLEX SPEND REIMB	2,500.00
Org Key: VCP402 - CIP Water Salaries				
P80979	00168286	KC RECORDS	RECORDING FEE FOR	79.00
Org Key: WD311C - Sub Basin 27 Watercourse				
P80817	00168282	CDW GOVERNMENT INC	Autodesk LT Renewal	24.04
Org Key: WD312C - Sub Basin 6 Watercour Ph 2				
P80817	00168282	CDW GOVERNMENT INC	Autodesk LT Renewal	24.03
Org Key: WG105R - Community Center Bldg Repairs				
P80993	00168291	PACIFIC AIR CONTROL INC	WORK PERFORMED 12/27/2013 COMM	1,491.39

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: WG106R - North Fire Station Repairs</i>				
	00168252	COMPLETE OFFICE	OFFICE SUPPLIES	1,698.91
P80972	00168293	SHERWIN-WILLIAMS CO, THE	N FIRE PAINT	82.13
<i>Org Key: WG130E - Equipment Rental Vehicle Repl</i>				
P79745	00168284	COLUMBIA FORD	POLICE VEHICLE REPLACEMENT FOR	29,848.92
<i>Org Key: WG317T - Police In-Car Video System</i>				
P80787	00168282	CDW GOVERNMENT INC	Cisco 1552E WAP	3,301.92
P80787	00168282	CDW GOVERNMENT INC	Cisco 1552E Antenna	648.18
P80787	00168282	CDW GOVERNMENT INC	Cisco 1552E Mount Kit	241.28
P80787	00168282	CDW GOVERNMENT INC	Cisco 1552E Power Injector	193.75
<i>Org Key: WG550R - Fuel Clean Up</i>				
P77173	00168341	GOLDER ASSOCIATES INC	GROUNDWATER COMPLIANCE	3,399.70
<i>Org Key: WR101R - Residential Street Improvement</i>				
P80817	00168282	CDW GOVERNMENT INC	Autodesk LT Renewal	24.04
<i>Org Key: WS103P - Sewer 20 yr CIP Plan</i>				
P80817	00168282	CDW GOVERNMENT INC	Autodesk LT Renewal	24.06
<i>Org Key: WS901D - Sewer Sys Pump Sta Repairs</i>				
P81005	00168345	OMEGA CONTRACTORS	SEWER PUMP STATUATORY I BEAM	25,968.25
<i>Org Key: WW101P - Water System Plan</i>				
P80817	00168282	CDW GOVERNMENT INC	Autodesk LT Renewal	24.04
<i>Org Key: WW120C - Meter Replacement Program</i>				
P80936	00168317	TACOMA SCREW PRODUCTS	BOLTS & NUTS FOR METERS	48.34
<i>Org Key: WW311R - 88th Ave and 86th Ave Water</i>				
P80817	00168282	CDW GOVERNMENT INC	Autodesk LT Renewal	24.04
<i>Org Key: WW315R - Water Main 83rd and SE 40th</i>				
P80817	00168282	CDW GOVERNMENT INC	Autodesk LT Renewal	24.04
<i>Org Key: XG300R - Fire Station 92 Replacement</i>				
P80994	00168350	WAVE ELECTRICAL LLC	TEMP QTRS S FIRE	15,116.48
P76634	00168300	DEDOMINICIS, AMY E	FS 92 Project Management	2,950.00
P80761	00168274	STORAGE COURT LLC	FS 92 TEMP HOUSING JAN-SEPT 20	2,500.00
<i>Org Key: XP710R - Luther Burbank Minor Improvemnt</i>				
P81008	00168307	ISSAQUAH CEDAR & LUMBER CO	Split rails and posts for LB P	147.72
<i>Org Key: XR140C - Ped-Bike Facilities Plan Imp</i>				
P80817	00168282	CDW GOVERNMENT INC	Autodesk LT Renewal	24.04
<i>Org Key: XR320R - Safe Routes to School</i>				
P81007	00168265	KC RECORDS	RECORDING FEE FOR PED & MAINT	79.00
<i>Org Key: YF1100 - YFS General Services</i>				
	00168273	RICHARDS, KIMBERLY	SUPPLIES	405.73
	00168252	COMPLETE OFFICE	OFFICE SUPPLIES	271.45
	00168273	RICHARDS, KIMBERLY	PARKING @ SOCIAL MEDIA TRAININ	28.00

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
P81001	00168296	XEROX CORPORATION	January 2014 printer toner and	19.40
<i>Org Key: YF1200 - Thrift Shop</i>				
P80992	00168350	WAVE ELECTRICAL LLC	THRIFT SHOP ELECTRICAL UPGRADE	2,733.12
	00168254	PUGET SOUND ENERGY	ENERGY USE JAN2014	645.13
P81001	00168296	XEROX CORPORATION	January 2014 printer toner and	37.80
<i>Org Key: YF2600 - Family Assistance</i>				
P81013	00168297	3045 81ST PLACE SE LLC	Rental ass't for EA client VD	600.00
P81015	00168301	DEPT OF EARLY LEARNING (DEL)	Background check for EA clien	12.00
<i>Org Key: YF2800 - Fed Drug Free Communities Gran</i>				
P81014	00168311	MONTANA STATE UNIVERSITY	Student Survey project for MIH	7,772.25
Total				<u>209,899.11</u>

CERTIFICATION OF CLAIMS

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Mercer Island, and that I am authorized to authenticate and certify to said claim.



Finance Director

I, the undersigned, do hereby certify that the City Council has reviewed the documentation supporting claims paid and approved all checks or warrants issued in payment of claims.

Mayor

Date

<u>Report</u>	<u>Warrants</u>	<u>Date</u>	<u>Amount</u>
Check Register	168351-168496	02/13/14	\$ 174,903.97
			\$ 174,903.97

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00168351	02/06/2014	GET Program PAYROLL EARLY WARRANTS		OH002282	02/07/2014	1,034.50
00168352	02/06/2014	MI EMPLOYEES ASSOC PAYROLL EARLY WARRANTS		OH002281	02/07/2014	142.50
00168353	02/06/2014	UNITED WAY OF KING CO PAYROLL EARLY WARRANTS		OH002283	02/07/2014	151.00
00168354	02/11/2014	BARNES, HARVEY L FLEX SPEND ACCT REIMB		OH002298	02/07/2014	767.60
00168355	02/11/2014	LOO CHAN, PEGGY FLEX SPEND ACCT REIMB		OH002299	02/07/2014	86.00
00168356	02/11/2014	MANRIQUEZ, CHERYL R FLEX SPEND ACCT REIMB		OH002295	02/07/2014	385.12
00168357	02/11/2014	ORMSBY, ANNA FLEX SPEND ACCT REIMB		OH002296	02/07/2014	245.00
00168358	02/11/2014	TAYLOR, KIRSTEN FLEX SPEND ACCT REIMB		OH002297	02/07/2014	540.93
00168359	02/11/2014	ABBOTT, RICHARD LEOFF1 Medicare		MAR2014B	02/10/2014	104.90
00168360	02/11/2014	ADAMS, RONALD E LEOFF1 Medicare		MAR2014B	02/10/2014	104.90
00168361	02/11/2014	AUGUSTSON, THOR LEOFF1 Medicare		MAR2014B	02/10/2014	104.90
00168362	02/11/2014	BARNES, WILLIAM LEOFF1 Medicare		MAR2014B	02/10/2014	104.90
00168363	02/11/2014	BARNES, WILLIAM LEOFF1 Excess Benefit		MAR2014A	02/10/2014	1,579.73
00168364	02/11/2014	BECKER, RON LEOFF1 Medicare		MAR2014B	02/10/2014	104.90
00168365	02/11/2014	BECKER, RON LEOFF1 Excess Benefit		MAR2014A	02/10/2014	720.86
00168366	02/11/2014	BOOTH, GLENDON D LEOFF1 Medicare		MAR2014B	02/10/2014	104.90
00168367	02/11/2014	CALLAGHAN, MICHAEL LEOFF1 Medicare		MAR2014B	02/10/2014	104.90
00168368	02/11/2014	COOPER, ROBERT LEOFF1 Excess Benefit		MAR2014A	02/10/2014	1,543.91
00168369	02/11/2014	DEEDS, EDWARD G LEOFF1 Medicare		MAR2014B	02/10/2014	104.90
00168370	02/11/2014	DEVENY, JAN P LEOFF1 Medicare		MAR2014B	02/10/2014	104.90
00168371	02/11/2014	DOWD, PAUL LEOFF1 Medicare		MAR2014B	02/10/2014	104.90
00168372	02/11/2014	ELSOE, RONALD LEOFF1 Medicare		MAR2014B	02/10/2014	104.90
00168373	02/11/2014	GLISAN, ANDREW LEOFF1 Medicare		MAR2014B	02/10/2014	104.90
00168374	02/11/2014	GOODMAN, J C LEOFF1 Medicare		MAR2014B	02/10/2014	104.90
00168375	02/11/2014	HAGSTROM, JAMES LEOFF1 Medicare		MAR2014B	02/10/2014	209.80
00168376	02/11/2014	JOHNSON, CURTIS LEOFF1 Medicare		MAR2014B	02/10/2014	104.90

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00168377	02/11/2014	JOHNSON, CURTIS LEOFF1 Excess Benefit		MAR2014A	02/10/2014	847.23
00168378	02/11/2014	KUHN, DAVID LEOFF1 Medicare		MAR2014B	02/10/2014	104.90
00168379	02/11/2014	LACY, ALAN P LEOFF1 Medicare		MAR2014B	02/10/2014	104.90
00168380	02/11/2014	LEE, WALLACE LEOFF1 Medicare		MAR2014B	02/10/2014	104.90
00168381	02/11/2014	LEOPOLD, FREDERIC LEOFF1 Medicare		MAR2014B	02/10/2014	104.90
00168382	02/11/2014	LYONS, STEVEN LEOFF1 Medicare		MAR2014B	02/10/2014	103.90
00168383	02/11/2014	MYERS, JAMES S LEOFF1 Medicare		MAR2014B	02/10/2014	104.90
00168384	02/11/2014	PROVOST, ALAN LEOFF1 Excess Benefit		MAR2014A	02/10/2014	1,434.23
00168385	02/11/2014	RAMSAY, JON LEOFF1 Medicare		MAR2014B	02/10/2014	104.90
00168386	02/11/2014	RAMSAY, JON LEOFF1 Excess Benefit		MAR2014A	02/10/2014	496.57
00168387	02/11/2014	SCHOENTRUP, WILLIAM LEOFF1 Medicare		MAR2014B	02/10/2014	104.90
00168388	02/11/2014	SCHOENTRUP, WILLIAM LEOFF1 Excess Benefit		MAR2014A	02/10/2014	852.89
00168389	02/11/2014	SMITH, RICHARD LEOFF1 Medicare		MAR2014B	02/10/2014	104.90
00168390	02/11/2014	TOOLEY, NORMAN LEOFF1 Medicare		MAR2014B	02/10/2014	104.90
00168391	02/11/2014	WALLACE, THOMAS LEOFF1 Medicare		MAR2014B	02/10/2014	104.90
00168392	02/11/2014	WEGNER, KEN LEOFF1 Medicare		MAR2014B	02/10/2014	104.90
00168393	02/11/2014	CADMAN INC 5/8"-MINUS ROCK (64.33 TONS)	P81025	5271789	01/08/2014	1,334.46
00168394	02/11/2014	CALVERT, DE SIGN DEPOSIT REFUND		SUB13012	02/07/2014	200.00
00168395	02/11/2014	CARROLL, KELLY OVERPAYMENT REFUND		OH002286	02/04/2014	541.27
00168396	02/11/2014	CENTURYLINK PHONE USE JAN 2014		OH002287	01/29/2014	31.64
00168397	02/11/2014	H D FOWLER 3" COUPLING SLIP X SLIP	P81061	I3559778	01/31/2014	26.17
00168398	02/11/2014	ISSAQUAH SIGNS CLOSED TO PUBLIC SIGN	P81047	121636	02/03/2014	216.81
00168399	02/11/2014	JAYMARC HOMES SIGN DEPOSIT REFUND		DEV13011	01/29/2014	200.00
00168400	02/11/2014	MI HARDWARE - BLDG MISC. HARDWARE FOR THE MONTH O	P81044	OH002290	01/31/2014	29.05
00168401	02/11/2014	MI HARDWARE - MAINT MISC. HARDWARE FOR JANUARY FOR	P81042	OH002288	01/31/2014	760.33
00168402	02/11/2014	MI HARDWARE - UTILITY MISC. HARDWARE FOR THE MONTH O	P81043	OH002289	01/31/2014	107.90

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00168403	02/11/2014	MI UTILITY BILLS	P81062	OH002291	01/31/2014	3,012.10
		PAYMENT OF UTILITY BILLS FOR W				
00168404	02/11/2014	NORTH BLUFF DEVELOPMENTS LTD		SUB13009	02/07/2014	200.00
		SIGN DEPOSIT REFUND				
00168405	02/11/2014	NOWAKOWSKI, KRISTA		DEV13055	01/04/2014	200.00
		SIGN DEPOSIT REFUND				
00168406	02/11/2014	PUGET SOUND ENERGY		OH002285	02/03/2014	8,122.01
		ENERGY USE FEB 2014				
00168407	02/11/2014	ROBERTS, KARIN		OH002292	02/04/2014	8.33
		MILEAGE EXPENSE				
00168408	02/11/2014	VIBRANT PLANTS INC	P81046	4394741	01/29/2014	875.81
		MISC. PLANTS				
00168409	02/11/2014	ZEE MEDICAL	P81039	68249784	02/04/2014	162.94
		FIRST AID SUPPLIES				
00168410	02/13/2014	AIRGAS USA LLC	P81081	9023831569	01/24/2014	131.58
		Oxygen/Fire				
00168411	02/13/2014	ARC - PACIFIC NORTHWEST	P81149	56551464/2452	01/14/2014	3.16
		MONTHLY PRINTING CHARGES				
00168412	02/13/2014	ARSCENTIA	P81116	201400681	01/31/2014	168.00
		"TALK to your kids" Mercerdale				
00168413	02/13/2014	AT&T MOBILITY	P81135	7404045X02022014	01/24/2014	296.91
		Cell Charges/Fire				
00168414	02/13/2014	BAKER, DENNIS L		OH002301	02/11/2014	29.12
		MILEAGE EXPENSES				
00168415	02/13/2014	BELLEVUE COLLEGE-CONT EDU	P81172	231342	02/03/2014	367.84
		ECTC Classes for D. Brzusek				
00168416	02/13/2014	BELLEVUE FIN DEPT, CITY OF	P81192	28728	12/31/2013	7,180.50
		4th Quarter 2013 MBP.com Fee				
00168417	02/13/2014	BILLER, MICHAEL	P80775	OH002319	02/27/2014	150.00
		2014 gallery reception				
00168418	02/13/2014	BLUMENTHAL UNIFORMS	P81084	47363	01/14/2014	482.29
		Duty Boots/Erickson				
00168419	02/13/2014	BP SQUARED LLC	P81069	2212014	02/03/2014	10,000.00
		Town Center Transit Oriented				
00168420	02/13/2014	CADMAN INC	P81099	1470127	01/23/2014	498.23
		ECOLOGY BLOCKS				
00168421	02/13/2014	CAMDEN GARDENS	P81115	46442	01/01/2014	821.26
		2014 Shared Maintenance Costs				
00168422	02/13/2014	CARQUEST AUTO PARTS STORES	P81092	OH002318	01/31/2014	135.44
		REPAIR PART INVENTORY FOR JAN				
00168423	02/13/2014	CENTURYLINK		OH002304	02/01/2014	3,368.66
		PHONE USE FEBRUARY 2014				
00168424	02/13/2014	CHRISTIANSEN, ANNE	P81157	14322/14417	02/12/2014	1,326.97
		Instruction services for Dream				
00168425	02/13/2014	CRUTCHER, SADIQUA IMAN	P81154	OH002323	02/12/2014	51.00
		Model payment for Clothed Mode				
00168426	02/13/2014	CRYSTAL AND SIERRA SPRINGS	P80610	5277493020114	02/01/2014	295.67
		Monthly water service for LB				
00168427	02/13/2014	CULLIGAN	P81168	201402672721	01/31/2014	165.20
		Water Services/Fire				
00168428	02/13/2014	DAN CROCKER CONSTRUCTION INC	P80358	PE48RR	02/07/2014	1,014.77
		RETAINAGE				

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00168429	02/13/2014	DON SMALL & SONS OIL DIST CO 1 DRUM SYNTHETIC OIL BLEND 5W-	P81093	46467	01/02/2014	1,074.67
00168430	02/13/2014	EXTACT EXECTRIC LLC REFUND FOR OVERCHARGE		1402022	02/13/2014	655.20
00168431	02/13/2014	FAMILYLIFE SERVICES Monthly consultations for clin	P80809	2373	02/02/2014	80.00
00168432	02/13/2014	GEMPLER'S INC INVENTORY PURCHASES	P81066	1019958982	01/27/2014	142.00
00168433	02/13/2014	GROUP HEALTH COOPERATIVE New recruit physical/drug scre	P81059	143979520141	01/16/2014	559.00
00168434	02/13/2014	HAKOMORI, MITSUKO Instruction services for Ikeba	P81152	14357	02/12/2014	299.60
00168435	02/13/2014	HARRIS COMPUTER SYSTEMS Onsite Visit Training for iCIS	P81121	XT00089361	01/31/2014	1,653.65
00168436	02/13/2014	HEALTHFORCE PARTNERS LLC QR Respiratory	P81082	18387	01/23/2014	128.00
00168437	02/13/2014	HOME DEPOT CREDIT SERVICE UPRIGHT VAC	P81063	0062852012397	02/06/2014	54.71
00168438	02/13/2014	HUGHES FIRE EQUIPMENT INC Parts for 8610	P81079	483320/483279	01/28/2014	756.46
00168439	02/13/2014	INTERCOM LANGUAGE SERVICES INC interpreting services	P81127	1418	01/20/2014	900.00
00168440	02/13/2014	IRONWORKS GYM Treadmill for City Hall Workou	P81171	OH002317	02/12/2014	500.00
00168441	02/13/2014	JOHN PASTOR MD Monthly clinical consultations	P80807	OH002305	02/04/2014	150.00
00168442	02/13/2014	KC RECORDS Oath of Office Grausz	P81161	OH002316	02/12/2014	99.00
00168443	02/13/2014	KELLY PAPER Paper and envelope stock suppl	P80883	6337937	02/07/2014	129.14
00168444	02/13/2014	KING COUNTY FINANCE 2103 Voter's Pamphlet (General	P81065	2027271	01/24/2014	440.50
00168445	02/13/2014	KNOTT, KENNETH MILEAGE EXPENSE		OH002303	02/10/2014	272.63
00168446	02/13/2014	KROESENS INC Back up nylon gear for patrol	P81138	18407	02/07/2014	252.49
00168447	02/13/2014	LECLERCQ, SAM SIGN DEPOSIT REFUND		SHL13041	02/12/2014	200.00
00168448	02/13/2014	LOCAL 21M Union Fee for 9 Month Seasonal	P81110	OH002309	02/10/2014	250.00
00168449	02/13/2014	MARENAKOS ROCK CENTER GRANITE ROCK	P81035	0969753IN	02/04/2014	40.86
00168450	02/13/2014	MI HARDWARE - FIRE Station Supplies	P81074	OH002315	01/31/2014	18.39
00168451	02/13/2014	MI HARDWARE - YFS LB Building supplies	P81117	OH002310	01/31/2014	26.44
00168452	02/13/2014	MI REPORTER (SUB) 2014 Subscription	P81086	OH002307	02/07/2014	39.00
00168453	02/13/2014	MI SCHOOL DISTRICT #400 2014 Mary Wayte Pool Agreement	P80616	OH002308	02/10/2014	10,416.67
00168454	02/13/2014	MORTIMER JR, THOMAS D 2015 WATER SYSTEM PLAN UPDATE	P80917	2937	02/01/2014	157.50

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00168455	02/13/2014	NW ARBORICULTURE LLC 2014 Tree Work for Pioneer Par	P80967	5390	02/06/2014	40,112.38
00168456	02/13/2014	O'REILLY AUTOMOTIVE INC Misc. Apparatus Parts	P81080	OH002321	01/28/2014	97.03
00168457	02/13/2014	OAK HALL INDUSTRIES Judicial Robe	P80576	359409	02/05/2014	446.95
00168458	02/13/2014	ON SITE FITNESS LLC Exercise Equipment Maintenance	P81077	3589	01/31/2014	312.08
00168459	02/13/2014	PUBLIC SAFETY SUPPORT SERVICES Zone One Coordinator Services	P81191	MIYF1204	02/07/2014	10,000.00
00168460	02/13/2014	PUGET SOUND ENERGY Utility ass't for EA client FF	P81120	OH002312	02/10/2014	85.30
00168461	02/13/2014	REMOTE SATELLITE SYSTEMS INT'L Sat phone fee	P81140	00062854	02/04/2014	48.95
00168462	02/13/2014	RESERVE ACCOUNT RESERVE FUND FOR POSTAGE	P81163	OH002324	02/12/2014	5,000.00
00168463	02/13/2014	RICHARDS, KIMBERLY MISC SUPPLIES		OH002302	02/07/2014	170.08
00168464	02/13/2014	RICOH USA INC Cost Per Copy/Fire	P81083	1044717174/50292	01/22/2014	210.36
00168465	02/13/2014	SCHOENTRUP, WILLIAM FRLEOFF1 Retiree Medical Expen	P81173	OH002320	02/12/2014	481.70
00168466	02/13/2014	SHATTUCKS ST MARY'S SCHOOL Partial campership for EA clie	P81123	OH002313	02/10/2014	150.00
00168467	02/13/2014	SHOREWOOD HEIGHTS Rental ass't for EA client R &	P81122	OH002314	02/10/2014	600.00
00168468	02/13/2014	SUMNER LAWN'N SAW REPAIR PARTS FOR FL PARKS FLEE	P80955	232013	01/29/2014	182.07
00168469	02/13/2014	TAWNEY, LAURA WELLNESS ACTIVITIY EXPENSE		OH002300	02/11/2014	53.49
00168470	02/13/2014	TRUE NORTH EMERGENCY EQUPT Field Service Kit for 8840	P81088	H01265	01/31/2014	202.28
00168471	02/13/2014	TUSCAN ENTERPRISES INC Placards for E91 and E92	P81087	765912	02/03/2014	222.29
00168472	02/13/2014	UNDERWATER SPORTS INC. Dive team parts	P81143	20006718	02/10/2014	12.92
00168483	02/13/2014	US BANK CORP PAYMENT SYS FRY'S ELECTRONICS #30		2490641401100534	02/06/2014	18,517.14
00168484	02/13/2014	UTILITIES UNDERGROUND LOCATION JANUARY EXCAVATION TICKETS FOR	P81134	4010156	01/31/2014	163.24
00168485	02/13/2014	VERIZON WIRELESS January 2014 VZ Billing/Kryss	P81109	9718895886	01/23/2014	938.03
00168486	02/13/2014	VERIZON WIRELESS Cell Charges/Fire	P81160	9718895884	01/23/2014	2,182.84
00168487	02/13/2014	WA ST TREASURER'S OFFICE JAN14 MI Court Transmittal	P81190	OH002326	01/31/2014	15,652.31
00168488	02/13/2014	WA ST TREASURER'S OFFICE JAN14 NC Court Transmittal	P81189	OH002327	01/31/2014	574.04
00168489	02/13/2014	WALKER-AUGURSON, DEBRA Instruction services for Hoope	P81158	14335/14338	02/12/2014	875.00
00168490	02/13/2014	WALTER E NELSON CO Station Household Supplies	P81072	430565	01/23/2014	162.06

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00168491	02/13/2014	WASHINGTON STATE PATROL Firearms background reports	P81187	I14004930	02/03/2014	142.00
00168492	02/13/2014	WESTERN ENTRANCE Batt Charger for Entrance	P81170	2679	02/03/2014	229.95
00168493	02/13/2014	WILSON, DANIELLE model payment for sculpture cl	P81155	OH002322	02/12/2014	102.00
00168494	02/13/2014	WOODINVILLE AUTO PARTS INC JAN REPAIR PARTS/INVENTORY	P81128	OH002311	01/31/2014	641.49
00168495	02/13/2014	WSAFM 2014 WSAFM Dues	P81070	OH002306	02/07/2014	180.00
00168496	02/13/2014	ZEE MEDICAL First aid supplies for MICEC	P81174	68249786	02/04/2014	580.39
					Total	<u>174,903.97</u>

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
Org Key: 001000 - General Fund-Admin Key				
P81190	00168487	WA ST TREASURER'S OFFICE	JAN14 MI Court Transmittal	6,602.03
P81190	00168487	WA ST TREASURER'S OFFICE	JAN14 MI Court Transmittal	3,539.71
P81190	00168487	WA ST TREASURER'S OFFICE	JAN14 MI Court Transmittal	2,190.29
P81190	00168487	WA ST TREASURER'S OFFICE	JAN14 MI Court Transmittal	1,060.93
P81190	00168487	WA ST TREASURER'S OFFICE	JAN14 MI Court Transmittal	545.85
P81190	00168487	WA ST TREASURER'S OFFICE	JAN14 MI Court Transmittal	424.32
P81190	00168487	WA ST TREASURER'S OFFICE	JAN14 MI Court Transmittal	404.50
P81190	00168487	WA ST TREASURER'S OFFICE	JAN14 MI Court Transmittal	199.98
P81190	00168487	WA ST TREASURER'S OFFICE	JAN14 MI Court Transmittal	199.98
P81190	00168487	WA ST TREASURER'S OFFICE	JAN14 MI Court Transmittal	199.74
P81189	00168488	WA ST TREASURER'S OFFICE	JAN14 NC Court Transmittal	190.19
P81190	00168487	WA ST TREASURER'S OFFICE	JAN14 MI Court Transmittal	113.26
P81189	00168488	WA ST TREASURER'S OFFICE	JAN14 NC Court Transmittal	101.74
P81190	00168487	WA ST TREASURER'S OFFICE	JAN14 MI Court Transmittal	100.33
P81189	00168488	WA ST TREASURER'S OFFICE	JAN14 NC Court Transmittal	84.23
P81190	00168487	WA ST TREASURER'S OFFICE	JAN14 MI Court Transmittal	71.39
P81189	00168488	WA ST TREASURER'S OFFICE	JAN14 NC Court Transmittal	55.55
P81189	00168488	WA ST TREASURER'S OFFICE	JAN14 NC Court Transmittal	55.55
P81189	00168488	WA ST TREASURER'S OFFICE	JAN14 NC Court Transmittal	49.68
P81189	00168488	WA ST TREASURER'S OFFICE	JAN14 NC Court Transmittal	24.75
P81189	00168488	WA ST TREASURER'S OFFICE	JAN14 NC Court Transmittal	9.90
P81189	00168488	WA ST TREASURER'S OFFICE	JAN14 NC Court Transmittal	2.45
Org Key: 402000 - Water Fund-Admin Key				
	00168395	CARROLL, KELLY	OVERPAYMENT REFUND	541.27
P81066	00168432	GEMPLER'S INC	INVENTORY PURCHASES	37.05
Org Key: 814072 - United Way				
	00168353	UNITED WAY OF KING CO	PAYROLL EARLY WARRANTS	151.00
Org Key: 814075 - Mercer Island Emp Association				
	00168352	MI EMPLOYEES ASSOC	PAYROLL EARLY WARRANTS	142.50
Org Key: 814085 - GET Program Deductions				
	00168351	GET Program	PAYROLL EARLY WARRANTS	1,034.50
Org Key: CA1100 - Administration (CA)				
P81172	00168415	BELLEVUE COLLEGE-CONT EDU	ECTC Classes for D. Brzusek	367.84
Org Key: CM1100 - Administration (CM)				
	00168483	US BANK CORP PAYMENT SYS	FRY'S ELECTRONICS #30	164.24
Org Key: CM1200 - City Clerk				
P81065	00168444	KING COUNTY FINANCE	2103 Voter's Pamphlet (General	440.50
	00168483	US BANK CORP PAYMENT SYS	ATTY&NOTARY SUPPLY OF WA	125.00
	00168483	US BANK CORP PAYMENT SYS	WSCP PFD PARKING	14.00
	00168407	ROBERTS, KARIN	MILEAGE EXPENSE	8.33
Org Key: CM1400 - Communications				
	00168483	US BANK CORP PAYMENT SYS	BACKUPIFY	4.99
	00168483	US BANK CORP PAYMENT SYS	GA-CAMPUS PARKING 8	4.50

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
Org Key: CO6100 - City Council				
	00168483	US BANK CORP PAYMENT SYS	BENNETT'S PURE FOOD BISTR	635.65
	00168483	US BANK CORP PAYMENT SYS	RESTAURANTS ON THE RUN	230.63
	00168483	US BANK CORP PAYMENT SYS	OTG CATERING	194.31
P81161	00168442	KC RECORDS	Oath of Office Grausz	33.00
P81161	00168442	KC RECORDS	Oath of Office Senn	33.00
P81161	00168442	KC RECORDS	Oath of Office Wong	33.00
	00168483	US BANK CORP PAYMENT SYS	SAFEWAY STORE00034728	7.68
Org Key: CR1100 - COrE Admin and Human Resources				
	00168483	US BANK CORP PAYMENT SYS	ICMA INTERNET	1,003.95
P81059	00168433	GROUP HEALTH COOPERATIVE	New recruit physical/drug scre	559.00
P81171	00168440	IRONWORKS GYM	Treadmill for City Hall Workou	500.00
P81174	00168496	ZEE MEDICAL	Quarterly Maintenance at City	184.53
	00168483	US BANK CORP PAYMENT SYS	QFC #5820	164.85
	00168483	US BANK CORP PAYMENT SYS	CRAIGSLIST.ORG	75.00
	00168483	US BANK CORP PAYMENT SYS	CRAIGSLIST.ORG	75.00
	00168469	TAWNEY, LAURA	WELLNESS ACTIVITIY EXPENSE	53.49
P81091	00168485	VERIZON WIRELESS	January 2014 VZ Billing/Kryss	40.01
	00168483	US BANK CORP PAYMENT SYS	CRAIGSLIST.ORG	25.00
	00168483	US BANK CORP PAYMENT SYS	AMAZON.COM	24.41
Org Key: CT1100 - Municipal Court				
P80576	00168457	OAK HALL INDUSTRIES	Judicial Robe	446.95
P81126	00168439	INTERCOM LANGUAGE SERVICES INC	interpreting services	400.00
P81148	00168439	INTERCOM LANGUAGE SERVICES INC	interpreting services	300.00
P81127	00168439	INTERCOM LANGUAGE SERVICES INC	interpreting services	200.00
Org Key: DS0000 - Development Services-Revenue				
P81192	00168416	BELLEVUE FIN DEPT, CITY OF	4th Quarter 2013 MBP.com Fee	7,180.50
	00168430	EXTACT EXECTRIC LLC	REFUND FOR OVERCHARGE	655.20
	00168394	CALVERT, DE	SIGN DEPOSIT REFUND	200.00
	00168399	JAYMARC HOMES	SIGN DEPOSIT REFUND	200.00
	00168404	NORTH BLUFF DEVELOPMENTS LTD	SIGN DEPOSIT REFUND	200.00
	00168405	NOWAKOWSKI, KRISTA	SIGN DEPOSIT REFUND	200.00
	00168447	LECLERCQ, SAM	SIGN DEPOSIT REFUND	200.00
Org Key: DS1100 - Administration (DS)				
	00168483	US BANK CORP PAYMENT SYS	MBP Merchant Fees	54.10
	00168483	US BANK CORP PAYMENT SYS	SQ *MERCER ISLAND ROTARY	20.00
	00168483	US BANK CORP PAYMENT SYS	SQ *MERCER ISLAND ROTARY	15.00
	00168483	US BANK CORP PAYMENT SYS	SQ *MERCER ISLAND ROTARY	15.00
P81149	00168411	ARC - PACIFIC NORTHWEST	MONTHLY PRINTING CHARGES	3.16
Org Key: DS1200 - Bldg Plan Review & Inspection				
	00168483	US BANK CORP PAYMENT SYS	RUBBERSTAMPS NET	22.95
	00168483	US BANK CORP PAYMENT SYS	RUBBERSTAMPS NET	7.90
Org Key: FN1100 - Administration (FN)				
	00168483	US BANK CORP PAYMENT SYS	SAHARA PIZZA	83.30
	00168483	US BANK CORP PAYMENT SYS	WFOA Dues 2014	50.00
	00168483	US BANK CORP PAYMENT SYS	WA FINANCE OFFCRS ASSOC	50.00

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
	00168483	US BANK CORP PAYMENT SYS	WA FINANCE OFFCRS ASSOC	50.00
	00168483	US BANK CORP PAYMENT SYS	WMTA	40.00
<i>Org Key: FR1100 - Administration (FR)</i>				
	00168483	US BANK CORP PAYMENT SYS	AMAZON.COM	787.31
	00168483	US BANK CORP PAYMENT SYS	AMAZON MKTPLACE PMTS	481.45
	00168483	US BANK CORP PAYMENT SYS	AMAZON.COM	399.80
P81077	00168458	ON SITE FITNESS LLC	Exercise Equipment Maintenance	312.08
P81170	00168492	WESTERN ENTRANCE	Batt Charger for Entrance	229.95
P81168	00168427	CULLIGAN	Water Services/Fire	165.20
P81072	00168490	WALTER E NELSON CO	Station Household Supplies	162.06
P81083	00168464	RICOH USA INC	Cost Per Copy/Fire	156.70
	00168423	CENTURYLINK	PHONE USE FEBRUARY 2014	146.31
	00168483	US BANK CORP PAYMENT SYS	COMCAST CABLE COMM	103.79
	00168483	US BANK CORP PAYMENT SYS	CETER FOR PUBLIC SAFET	100.00
	00168483	US BANK CORP PAYMENT SYS	AMAZONPRIME MEMBERSHIP	79.00
	00168483	US BANK CORP PAYMENT SYS	AMAZON.COM	60.09
P81083	00168464	RICOH USA INC	Copier Toner Supplies (Rush	53.66
	00168483	US BANK CORP PAYMENT SYS	NFPA NATL FIRE PROTECT	41.85
P81086	00168452	MI REPORTER (SUB)	2014 Subscription	39.00
	00168483	US BANK CORP PAYMENT SYS	RITE AID STORE 5197	35.09
	00168483	US BANK CORP PAYMENT SYS	AMAZON MKTPLACE PMTS	28.65
	00168483	US BANK CORP PAYMENT SYS	RITE AID STORE 5197	21.89
	00168483	US BANK CORP PAYMENT SYS	RITE AID STORE 5197	21.89
	00168483	US BANK CORP PAYMENT SYS	SQ *MERCER ISLAND ROTARY	20.00
P81074	00168450	MI HARDWARE - FIRE	Station Supplies	18.39
	00168483	US BANK CORP PAYMENT SYS	AMAZON MKTPLACE PMTS	10.60
	00168483	US BANK CORP PAYMENT SYS	AMAZON MKTPLACE PMTS	10.60
	00168483	US BANK CORP PAYMENT SYS	SQ *MERCER ISLAND ROTARY	10.00
	00168483	US BANK CORP PAYMENT SYS	OFFICE DEPOT #819	3.29
<i>Org Key: FR2100 - Fire Operations</i>				
P81079	00168438	HUGHES FIRE EQUIPMENT INC	Parts for 8610	756.46
P81073	00168486	VERIZON WIRELESS	Cell Charges/Fire	559.92
P81071	00168418	BLUMENTHAL UNIFORMS	Duty Boots/Erickson	289.08
P81087	00168471	TUSCAN ENTERPRISES INC	Placards for E91 and E92	222.29
P81088	00168470	TRUE NORTH EMERGENCY EQUPT	Field Service Kit for 8840	202.28
P81084	00168418	BLUMENTHAL UNIFORMS	Duty Boots/Mair	193.21
P81075	00168413	AT&T MOBILITY	Cell Charges/Fire	190.44
P81082	00168436	HEALTHFORCE PARTNERS LLC	QR Respiratory	128.00
P81080	00168456	O'REILLY AUTOMOTIVE INC	Misc. Apparatus Parts	97.03
	00168483	US BANK CORP PAYMENT SYS	WEST COAST AWARDS AND	83.88
<i>Org Key: FR2500 - Fire Emergency Medical Svcs</i>				
P81081	00168410	AIRGAS USA LLC	Oxygen/Fire	131.58
<i>Org Key: FR4100 - Training</i>				
	00168445	KNOTT, KENNETH	MILEAGE EXPENSE	272.63
<i>Org Key: FR5100 - Community Risk Reduction</i>				
P81070	00168495	WSAFM	2014 WSAFM Dues	180.00

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: GGM001 - General Government-Misc</i>				
P81069	00168419	BP SQUARED LLC	Town Center Transit Oriented	10,000.00
P81103	00168496	ZEE MEDICAL	First aid supplies for MICEC	161.96
P81103	00168496	ZEE MEDICAL	First aid supplies for LB	57.98
<i>Org Key: GGM004 - Gen Govt-Office Support</i>				
P81163	00168462	RESERVE ACCOUNT	RESERVE FUND FOR POSTAGE	5,000.00
<i>Org Key: GGM005 - Genera Govt-L1 Retiree Costs</i>				
P81173	00168465	SCHOENTRUP, WILLIAM	FRLEOFF1 Retiree Medical Expen	481.70
	00168483	US BANK CORP PAYMENT SYS	OMNICARE *PHARMACY	244.60
	00168375	HAGSTROM, JAMES	LEOFF1 Medicare	209.80
	00168359	ABBOTT, RICHARD	LEOFF1 Medicare	104.90
	00168360	ADAMS, RONALD E	LEOFF1 Medicare	104.90
	00168361	AUGUSTSON, THOR	LEOFF1 Medicare	104.90
	00168362	BARNES, WILLIAM	LEOFF1 Medicare	104.90
	00168364	BECKER, RON	LEOFF1 Medicare	104.90
	00168366	BOOTH, GLENDON D	LEOFF1 Medicare	104.90
	00168367	CALLAGHAN, MICHAEL	LEOFF1 Medicare	104.90
	00168369	DEEDS, EDWARD G	LEOFF1 Medicare	104.90
	00168370	DEVENY, JAN P	LEOFF1 Medicare	104.90
	00168371	DOWD, PAUL	LEOFF1 Medicare	104.90
	00168372	ELSOE, RONALD	LEOFF1 Medicare	104.90
	00168373	GLISAN, ANDREW	LEOFF1 Medicare	104.90
	00168374	GOODMAN, J C	LEOFF1 Medicare	104.90
	00168376	JOHNSON, CURTIS	LEOFF1 Medicare	104.90
	00168378	KUHN, DAVID	LEOFF1 Medicare	104.90
	00168379	LACY, ALAN P	LEOFF1 Medicare	104.90
	00168380	LEE, WALLACE	LEOFF1 Medicare	104.90
	00168381	LEOPOLD, FREDERIC	LEOFF1 Medicare	104.90
	00168383	MYERS, JAMES S	LEOFF1 Medicare	104.90
	00168385	RAMSAY, JON	LEOFF1 Medicare	104.90
	00168387	SCHOENTRUP, WILLIAM	LEOFF1 Medicare	104.90
	00168389	SMITH, RICHARD	LEOFF1 Medicare	104.90
	00168390	TOOLEY, NORMAN	LEOFF1 Medicare	104.90
	00168391	WALLACE, THOMAS	LEOFF1 Medicare	104.90
	00168392	WEGNER, KEN	LEOFF1 Medicare	104.90
	00168382	LYONS, STEVEN	LEOFF1 Medicare	103.90
<i>Org Key: GGM606 - Excess Retirement-Fire</i>				
	00168363	BARNES, WILLIAM	LEOFF1 Excess Benefit	1,579.73
	00168368	COOPER, ROBERT	LEOFF1 Excess Benefit	1,543.91
	00168384	PROVOST, ALAN	LEOFF1 Excess Benefit	1,434.23
	00168388	SCHOENTRUP, WILLIAM	LEOFF1 Excess Benefit	852.89
	00168377	JOHNSON, CURTIS	LEOFF1 Excess Benefit	847.23
	00168365	BECKER, RON	LEOFF1 Excess Benefit	720.86
	00168386	RAMSAY, JON	LEOFF1 Excess Benefit	496.57
<i>Org Key: IGBE01 - MI Pool Operation Subsidy</i>				
P80616	00168453	MI SCHOOL DISTRICT #400	2014 Mary Wayte Pool Agreement	10,416.67
<i>Org Key: IS2100 - IGS Network Administration</i>				

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
	00168483	US BANK CORP PAYMENT SYS	AMAZON MKTPLACE PMTS	647.99
	00168483	US BANK CORP PAYMENT SYS	AMAZON MKTPLACE PMTS	647.99
	00168483	US BANK CORP PAYMENT SYS	DIGICERT INC	419.00
	00168423	CENTURYLINK	PHONE USE FEBRUARY 2014	317.46
	00168483	US BANK CORP PAYMENT SYS	IMPACT COMPUTERS	157.25
	00168483	US BANK CORP PAYMENT SYS	FRY'S ELECTRONICS #30	101.75
	00168483	US BANK CORP PAYMENT SYS	INGALLINA'S BOX LUNCH	101.52
	00168483	US BANK CORP PAYMENT SYS	GEOLINE	99.54
	00168483	US BANK CORP PAYMENT SYS	AMAZON.COM	98.54
	00168483	US BANK CORP PAYMENT SYS	AMAZON MKTPLACE PMTS	96.00
	00168483	US BANK CORP PAYMENT SYS	REGISTER.COM*125179B0J	77.00
	00168483	US BANK CORP PAYMENT SYS	ACT*WAURISA	50.00
	00168483	US BANK CORP PAYMENT SYS	AMAZON MKTPLACE PMTS	42.00
	00168483	US BANK CORP PAYMENT SYS	AMAZON.COM	32.53
	00168396	CENTURYLINK	PHONE USE JAN 2014	31.64
	00168483	US BANK CORP PAYMENT SYS	ACT*WAURISA	25.00
	00168483	US BANK CORP PAYMENT SYS	IMPACT COMPUTERS	-60.00
<i>Org Key: MT2100 - Roadway Maintenance</i>				
	00168406	PUGET SOUND ENERGY	ENERGY USE FEB 2014	2,964.22
	00168414	BAKER, DENNIS L	MILEAGE EXPENSES	29.12
P81039	00168409	ZEE MEDICAL	FIRST AID SUPPLIES	11.41
P81187	00168491	WASHINGTON STATE PATROL	Background Check J. Blair	10.00
<i>Org Key: MT2200 - Vegetation Maintenance</i>				
P81039	00168409	ZEE MEDICAL	FIRST AID SUPPLIES	9.78
<i>Org Key: MT2300 - Planter Bed Maintenance</i>				
P81039	00168409	ZEE MEDICAL	FIRST AID SUPPLIES	11.41
<i>Org Key: MT2500 - ROW Administration</i>				
P81135	00168413	AT&T MOBILITY	ROW WIRELESS DATA CHARGES	45.49
<i>Org Key: MT3000 - Water Service Upsizes and New</i>				
P81025	00168393	CADMAN INC	5/8"-MINUS ROCK (64.33 TONS)	507.10
<i>Org Key: MT3100 - Water Distribution</i>				
P81025	00168393	CADMAN INC	5/8"-MINUS ROCK (64.33 TONS)	507.09
P81043	00168402	MI HARDWARE - UTILITY	MISC. HARDWARE FOR THE MONTH O	23.64
P81039	00168409	ZEE MEDICAL	FIRST AID SUPPLIES	11.41
<i>Org Key: MT3200 - Water Pumps</i>				
	00168423	CENTURYLINK	PHONE USE FEBRUARY 2014	237.68
P81039	00168409	ZEE MEDICAL	FIRST AID SUPPLIES	9.78
<i>Org Key: MT3300 - Water Associated Costs</i>				
	00168483	US BANK CORP PAYMENT SYS	GREEN RIVER COMM COLLEGE	280.00
	00168483	US BANK CORP PAYMENT SYS	GREEN RIVER COMM COLLEGE	280.00
	00168483	US BANK CORP PAYMENT SYS	GREEN RIVER COMM COLLEGE	280.00
	00168483	US BANK CORP PAYMENT SYS	GREEN RIVER COMM COLLEGE	280.00
	00168483	US BANK CORP PAYMENT SYS	GREEN RIVER COMM COLLEGE	280.00
	00168483	US BANK CORP PAYMENT SYS	GREEN RIVER COMM COLLEGE	280.00
P81135	00168413	AT&T MOBILITY	WATER WIRELESS DATA CHARGES	30.49

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
	00168483	US BANK CORP PAYMENT SYS	GREEN RIVER COMM COLLEGE	-280.00
<i>Org Key: MT3400 - Sewer Collection</i>				
P81066	00168432	GEMPLER'S INC	RUBBER BOOTS	104.95
P81043	00168402	MI HARDWARE - UTILITY	MISC. HARDWARE FOR THE MONTH O	84.26
P81039	00168409	ZEE MEDICAL	FIRST AID SUPPLIES	11.41
<i>Org Key: MT3500 - Sewer Pumps</i>				
	00168423	CENTURYLINK	PHONE USE FEBRUARY 2014	2,398.45
P81039	00168409	ZEE MEDICAL	FIRST AID SUPPLIES	11.41
<i>Org Key: MT3600 - Sewer Associated Costs</i>				
P81135	00168413	AT&T MOBILITY	SEWER WIRELESS DATA CHARGES	30.49
<i>Org Key: MT3800 - Storm Drainage</i>				
P81039	00168409	ZEE MEDICAL	FIRST AID SUPPLIES	11.41
<i>Org Key: MT4150 - Support Services - Clearing</i>				
P81109	00168485	VERIZON WIRELESS	MAINT. DEPT. CELLULAR SERVICE	898.02
P81134	00168484	UTILITIES UNDERGROUND LOCATION	JANUARY EXCAVATION TICKETS FOR	163.24
<i>Org Key: MT4200 - Building Services</i>				
P81047	00168398	ISSAQUAH SIGNS	CLOSED TO PUBLIC SIGN	216.81
	00168483	US BANK CORP PAYMENT SYS	MCKILLICAN AMERICAN INC	66.28
	00168483	US BANK CORP PAYMENT SYS	THE HOME DEPOT 4711	47.04
	00168483	US BANK CORP PAYMENT SYS	THE HOME DEPOT 4711	43.62
P81039	00168409	ZEE MEDICAL	FIRST AID SUPPLIES	9.78
	00168483	US BANK CORP PAYMENT SYS	THE HOME DEPOT 4711	7.82
P81044	00168400	MI HARDWARE - BLDG	MISC. HARDWARE FOR THE MONTH O	7.38
<i>Org Key: MT4300 - Fleet Services</i>				
P81093	00168429	DON SMALL & SONS OIL DIST CO	1 DRUM SYNTHETIC OIL BLEND 5W-	1,074.67
P81128	00168494	WOODINVILLE AUTO PARTS INC	JAN REPAIR PARTS/INVENTORY	641.49
P80955	00168468	SUMNER LAWN'N SAW	REPAIR PARTS FOR FL PARKS FLEE	182.07
P81092	00168422	CARQUEST AUTO PARTS STORES	REPAIR PART INVENTORY FOR JAN	135.44
P81039	00168409	ZEE MEDICAL	FIRST AID SUPPLIES	9.78
<i>Org Key: PO1100 - Administration (PO)</i>				
	00168483	US BANK CORP PAYMENT SYS	ASIS INTERNATIONAL ONLINE	215.00
	00168483	US BANK CORP PAYMENT SYS	OFFICE DEPOT #819	42.88
	00168483	US BANK CORP PAYMENT SYS	EB *ASIS PUGET SOUND C	37.74
	00168483	US BANK CORP PAYMENT SYS	CTC*CONSTANTCONTACT.COM	32.85
	00168483	US BANK CORP PAYMENT SYS	SQ *MERCER ISLAND ROTARY	20.00
	00168483	US BANK CORP PAYMENT SYS	SQ *MERCER ISLAND ROTARY	20.00
	00168483	US BANK CORP PAYMENT SYS	THE UPS STORE 1081	15.95
	00168483	US BANK CORP PAYMENT SYS	AMAZON SERVICES-KINDLE	8.87
	00168483	US BANK CORP PAYMENT SYS	THE HOME DEPOT 4711	6.46
<i>Org Key: PO1350 - Police Emergency Management</i>				
P81191	00168459	PUBLIC SAFETY SUPPORT SERVICES	Zone One Coordinator Services	10,000.00
P81140	00168461	REMOTE SATELLITE SYSTEMS INT'L	Sat phone fee	48.95
<i>Org Key: PO1700 - Records and Property</i>				
	00168483	US BANK CORP PAYMENT SYS	THE HOME DEPOT 4711	885.96

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: PO1800 - Contract Dispatch Police</i>				
P81139	00168491	WASHINGTON STATE PATROL	Firearms background reports	132.00
<i>Org Key: PO2100 - Patrol Division</i>				
P81138	00168446	KROESENS INC	Back up nylon gear for patrol	252.49
	00168483	US BANK CORP PAYMENT SYS	Detective Phone accessories -	116.05
<i>Org Key: PO2201 - Dive Team</i>				
P81143	00168472	UNDERWATER SPORTS INC.	Dive team parts	12.92
<i>Org Key: PO4100 - Training</i>				
	00168483	US BANK CORP PAYMENT SYS	WADES EASTSIDE GUNSHOP IN	36.12
	00168483	US BANK CORP PAYMENT SYS	WAPRO	25.00
	00168483	US BANK CORP PAYMENT SYS	WAPRO	25.00
<i>Org Key: PR1100 - Administration (PR)</i>				
P80610	00168426	CRYSTAL AND SIERRA SPRINGS	Monthly water service for LB	86.85
P81160	00168486	VERIZON WIRELESS	Parks cell phone charges for J	57.87
P81159	00168486	VERIZON WIRELESS	Parks cell phone charges for	57.79
	00168423	CENTURYLINK	PHONE USE FEBRUARY 2014	44.56
	00168483	US BANK CORP PAYMENT SYS	SQ *MERCER ISLAND ROTARY	20.00
	00168483	US BANK CORP PAYMENT SYS	ACE PARKING PS #3250	16.00
	00168483	US BANK CORP PAYMENT SYS	SQ *MERCER ISLAND ROTARY	15.00
	00168483	US BANK CORP PAYMENT SYS	SQ *MERCER ISLAND ROTARY	10.00
	00168483	US BANK CORP PAYMENT SYS	GA-CAMPUS PARKING 6	9.00
<i>Org Key: PR1500 - Urban Forest Management</i>				
	00168483	US BANK CORP PAYMENT SYS	02 MCLENDON HARDWARE	293.73
	00168483	US BANK CORP PAYMENT SYS	STEWART LUMBER CO	157.03
	00168483	US BANK CORP PAYMENT SYS	COMPTON LUMBER CO	96.36
	00168483	US BANK CORP PAYMENT SYS	THE HOME DEPOT 4702	57.88
	00168483	US BANK CORP PAYMENT SYS	THE HOME DEPOT #8944	37.16
	00168483	US BANK CORP PAYMENT SYS	LOWES #00004*	28.38
	00168483	US BANK CORP PAYMENT SYS	TACOMA SCREW PRODUCTS	-9.77
<i>Org Key: PR2100 - Recreation Programs</i>				
P81157	00168424	CHRISTIANSEN, ANNE	Instruction services for Dream	731.97
P81157	00168424	CHRISTIANSEN, ANNE	Instruction services for Dream	595.00
P81152	00168434	HAKOMORI, MITSUKO	Instruction services for Ikeba	299.60
	00168483	US BANK CORP PAYMENT SYS	CTC*CONSTANTCONTACT.COM	41.06
	00168483	US BANK CORP PAYMENT SYS	U.W. - M.C. PARKING - 15	10.00
<i>Org Key: PR2101 - Youth and Teen Camps</i>				
P81160	00168486	VERIZON WIRELESS	Parks cell phone charges for J	104.40
	00168483	US BANK CORP PAYMENT SYS	SAFEWAY STORE00004648	22.48
<i>Org Key: PR2108 - Health and Fitness</i>				
P81158	00168489	WALKER-AUGURSON, DEBRA	Instruction services for Hoope	490.00
P81158	00168489	WALKER-AUGURSON, DEBRA	Instruction services for Hoope	385.00
	00168483	US BANK CORP PAYMENT SYS	AMAZON.COM	150.32
	00168483	US BANK CORP PAYMENT SYS	AMAZON.COM	37.58
<i>Org Key: PR3500 - Senior Services</i>				

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
	00168483	US BANK CORP PAYMENT SYS	CASHNCARRY583 52105830	153.57
	00168483	US BANK CORP PAYMENT SYS	QFC #5839	52.28
P81160	00168486	VERIZON WIRELESS	Parks cell phone charges for J	50.62
P81159	00168486	VERIZON WIRELESS	Parks cell phone charges for	50.49
	00168483	US BANK CORP PAYMENT SYS	QFC #5839	4.98
<i>Org Key: PR4100 - Community Center</i>				
	00168406	PUGET SOUND ENERGY	ENERGY USE JAN 2014	5,157.79
	00168483	US BANK CORP PAYMENT SYS	GIH*GLOBALINDUSTRIALEQ	147.86
P81106	00168426	CRYSTAL AND SIERRA SPRINGS	2014 Water Service for MICEC	73.12
P81154	00168425	CRUTCHER, SADIQUA IMAN	Model payment for Clothed Mode	51.00
P81155	00168493	WILSON, DANIELLE	model payment for sculpture cl	51.00
P81155	00168493	WILSON, DANIELLE	Model payment for Sculpture cl	51.00
	00168483	US BANK CORP PAYMENT SYS	ONTIME MALL	45.05
	00168483	US BANK CORP PAYMENT SYS	PARTSELECT.COM XXXXXXXXXX	33.94
P81160	00168486	VERIZON WIRELESS	Parks cell phone charges for J	32.54
P81159	00168486	VERIZON WIRELESS	Parks cell phone charges for	32.45
	00168483	US BANK CORP PAYMENT SYS	QFC #5839	18.60
	00168483	US BANK CORP PAYMENT SYS	AMAZON.COM	16.50
	00168483	US BANK CORP PAYMENT SYS	AMAZON.COM	14.80
	00168483	US BANK CORP PAYMENT SYS	ACF-NY	14.58
	00168483	US BANK CORP PAYMENT SYS	TACOMA SCREW PRODUCTS	13.75
	00168483	US BANK CORP PAYMENT SYS	SECURITY SAFE LOCK	7.56
	00168483	US BANK CORP PAYMENT SYS	TACOMA SCREW PRODUCTS	0.08
<i>Org Key: PR5400 - Gallery Program</i>				
P80775	00168417	BILLER, MICHAEL	2014 gallery reception	150.00
	00168483	US BANK CORP PAYMENT SYS	SAFEWAY STORE 00029322	21.39
	00168483	US BANK CORP PAYMENT SYS	TRADER JOE'S #157 QPS	13.46
<i>Org Key: PR5900 - Summer Celebration</i>				
P81160	00168486	VERIZON WIRELESS	Parks cell phone charges for J	37.59
<i>Org Key: PR6100 - Park Maintenance</i>				
P81062	00168403	MI UTILITY BILLS	PAYMENT OF UTILITY BILLS FOR W	706.13
P81042	00168401	MI HARDWARE - MAINT	MISC. HARDWARE FOR JANUARY FOR	373.80
P81046	00168408	VIBRANT PLANTS INC	MISC. PLANTS	297.77
	00168483	US BANK CORP PAYMENT SYS	OUTDOOR EMPORIUM	197.08
P81160	00168486	VERIZON WIRELESS	Parks cell phone charges for J	137.48
P81159	00168486	VERIZON WIRELESS	Parks cell phone charges for	109.38
P81110	00168448	LOCAL 21M	Union Fee for 9 Month Seasonal	62.50
P81106	00168426	CRYSTAL AND SIERRA SPRINGS	2014 Water Service for Parks	48.86
P81035	00168449	MARENAKOS ROCK CENTER	GRANITE ROCK	40.86
P81061	00168397	H D FOWLER	3" COUPLING SLIP X SLIP	26.17
P81044	00168400	MI HARDWARE - BLDG	MISC. HARDWARE FOR THE MONTH O	21.67
P81039	00168409	ZEE MEDICAL	FIRST AID SUPPLIES	11.41
<i>Org Key: PR6200 - Athletic Field Maintenance</i>				
P81062	00168403	MI UTILITY BILLS	PAYMENT OF UTILITY BILLS FOR W	458.95
P81159	00168486	VERIZON WIRELESS	Parks cell phone charges for	136.20
P81042	00168401	MI HARDWARE - MAINT	MISC. HARDWARE FOR JANUARY FOR	132.77
P81160	00168486	VERIZON WIRELESS	Parks cell phone charges for J	114.89

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
	00168423	CENTURYLINK	PHONE USE FEBRUARY 2014	85.32
P81110	00168448	LOCAL 21M	Union Fee for 9 Month Seasonal	62.50
P81063	00168437	HOME DEPOT CREDIT SERVICE	UPRIGHT VAC	54.71
P81039	00168409	ZEE MEDICAL	FIRST AID SUPPLIES	11.41
<i>Org Key: PR6500 - Luther Burbank Park Maint.</i>				
P81062	00168403	MI UTILITY BILLS	PAYMENT OF UTILITY BILLS FOR W	1,582.95
P81099	00168420	CADMAN INC	ECOLOGY BLOCKS	498.23
P81025	00168393	CADMAN INC	5/8"-MINUS ROCK (64.33 TONS)	266.89
P81046	00168408	VIBRANT PLANTS INC	MISC. PLANTS	289.01
P81160	00168486	VERIZON WIRELESS	Parks cell phone charges for J	56.65
P81159	00168486	VERIZON WIRELESS	Parks cell phone charges for	56.50
P81039	00168409	ZEE MEDICAL	FIRST AID SUPPLIES	11.41
<i>Org Key: PR6600 - Park Maint-School Related</i>				
P81160	00168486	VERIZON WIRELESS	Parks cell phone charges for J	63.39
P81110	00168448	LOCAL 21M	Union Fee for 9 Month Seasonal	62.50
P81159	00168486	VERIZON WIRELESS	Parks cell phone charges for	44.48
P81039	00168409	ZEE MEDICAL	FIRST AID SUPPLIES	9.78
<i>Org Key: PR6700 - I90 Park Maintenance</i>				
P81115	00168421	CAMDEN GARDENS	2014 Shared Maintenance Costs	821.26
P81062	00168403	MI UTILITY BILLS	PAYMENT OF UTILITY BILLS FOR W	264.07
P81046	00168408	VIBRANT PLANTS INC	MISC. PLANTS	289.03
P81042	00168401	MI HARDWARE - MAINT	MISC. HARDWARE FOR JANUARY FOR	183.89
P81159	00168486	VERIZON WIRELESS	Parks cell phone charges for	96.51
P81110	00168448	LOCAL 21M	Union Fee for 9 Month Seasonal	62.50
P81160	00168486	VERIZON WIRELESS	Parks cell phone charges for J	56.30
P81039	00168409	ZEE MEDICAL	FIRST AID SUPPLIES	11.35
<i>Org Key: PR6800 - Trails Maintenance</i>				
	00168483	US BANK CORP PAYMENT SYS	MCDOWELL NW PILE KING	300.74
<i>Org Key: PY4613 - Flex Admin 2013</i>				
	00168358	TAYLOR, KIRSTEN	FLEX SPEND ACCT REIMB	540.93
	00168354	BARNES, HARVEY L	FLEX SPEND ACCT REIMB	425.60
	00168356	MANRIQUEZ, CHERYL R	FLEX SPEND ACCT REIMB	385.12
	00168357	ORMSBY, ANNA	FLEX SPEND ACCT REIMB	245.00
<i>Org Key: PY4614 - Flex Spending Admin</i>				
	00168354	BARNES, HARVEY L	FLEX SPEND ACCT REIMB	342.00
	00168355	LOO CHAN, PEGGY	FLEX SPEND ACCT REIMB	86.00
<i>Org Key: WD101C - Neighborhood Stmwtr Improvemnt</i>				
P80358	00168428	DAN CROCKER CONSTRUCTION INC	RETAINAGE	1,014.77
<i>Org Key: WG315T - Utility Billing System Upgr</i>				
P81121	00168435	HARRIS COMPUTER SYSTEMS	Onsite Visit Training for iCIS	1,653.65
<i>Org Key: WP122R - Vegetation Management</i>				
P80967	00168455	NW ARBORICULTURE LLC	2014 Tree Work for Pioneer Par	40,112.38
	00168483	US BANK CORP PAYMENT SYS	MCDOWELL NW PILE KING	194.43
	00168483	US BANK CORP PAYMENT SYS	02 MCLENDON HARDWARE	103.49

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
	00168483	US BANK CORP PAYMENT SYS	TACOMA SCREW PRODUCTS	81.17
P81160	00168486	VERIZON WIRELESS	Parks cell phone charges for J	30.13
P81159	00168486	VERIZON WIRELESS	Parks cell phone charges for	30.05
P81042	00168401	MI HARDWARE - MAINT	MISC. HARDWARE FOR JANUARY FOR	23.55
<i>Org Key: WW101P - Water System Plan</i>				
P80917	00168454	MORTIMER JR, THOMAS D	2015 WATER SYSTEM PLAN UPDATE	157.50
<i>Org Key: XP720R - KC Levy Projects</i>				
P81025	00168393	CADMAN INC	5/8"-MINUS ROCK (64.33 TONS)	53.38
P81042	00168401	MI HARDWARE - MAINT	MISC. HARDWARE FOR JANUARY FOR	46.32
P81160	00168486	VERIZON WIRELESS	Parks cell phone charges for J	34.80
<i>Org Key: YF1100 - YFS General Services</i>				
	00168483	US BANK CORP PAYMENT SYS	AMSTERDAM PRNT & LITHO	612.14
	00168483	US BANK CORP PAYMENT SYS	KELLY 60 - SEATTLE	314.57
	00168483	US BANK CORP PAYMENT SYS	AMAZON MKTPLACE PMTS	285.99
P80583	00168486	VERIZON WIRELESS	Monthly charge for Mobile Broa	232.41
	00168483	US BANK CORP PAYMENT SYS	TARGET.COM *	154.07
P80883	00168443	KELLY PAPER	Paper and envelope stock suppl	129.14
	00168463	RICHARDS, KIMBERLY	FB ADVERTISING	121.99
	00168483	US BANK CORP PAYMENT SYS	PS-STORES INC- SEATTLE	117.17
P80610	00168426	CRYSTAL AND SIERRA SPRINGS	Monthly water service for LB	86.84
P80809	00168431	FAMILYLIFE SERVICES	Monthly consultations for clin	80.00
	00168483	US BANK CORP PAYMENT SYS	CUTCARDSTOCK LLC	69.51
	00168483	US BANK CORP PAYMENT SYS	SAHARA PIZZA	57.75
	00168483	US BANK CORP PAYMENT SYS	SHIFTBOARD INC.	54.75
	00168463	RICHARDS, KIMBERLY	MISC SUPPLIES	48.09
	00168483	US BANK CORP PAYMENT SYS	PAYPAL *GT BAG CO	44.45
	00168483	US BANK CORP PAYMENT SYS	JAM PAPER & ENVELOPE	33.50
	00168483	US BANK CORP PAYMENT SYS	ISLANDER	30.00
P81117	00168451	MI HARDWARE - YFS	LB Building supplies	26.44
	00168483	US BANK CORP PAYMENT SYS	ETSY.COM	25.50
	00168483	US BANK CORP PAYMENT SYS	GRAND & BENEDICTS INC	20.03
	00168483	US BANK CORP PAYMENT SYS	SQ *MERCER ISLAND ROTARY	20.00
	00168483	US BANK CORP PAYMENT SYS	SQ *MERCER ISLAND AUTO SP	13.00
	00168483	US BANK CORP PAYMENT SYS	TULLYS COFFEE #01003	6.08
	00168483	US BANK CORP PAYMENT SYS	KELLY 60 - SEATTLE	-47.58
<i>Org Key: YF1200 - Thrift Shop</i>				
	00168483	US BANK CORP PAYMENT SYS	COSTCO *BUS DELIV 115	638.99
	00168483	US BANK CORP PAYMENT SYS	CTC*CONSTANTCONTACT.COM	321.96
	00168483	US BANK CORP PAYMENT SYS	SOUND PUBLISHING	215.00
P81119	00168496	ZEE MEDICAL	First aid refills at tshop	175.92
	00168423	CENTURYLINK	PHONE USE FEBRUARY 2014	138.88
	00168483	US BANK CORP PAYMENT SYS	ER & S COMPUTER SOLUTI	136.00
	00168483	US BANK CORP PAYMENT SYS	OFFICE DEPOT #819	49.87
	00168483	US BANK CORP PAYMENT SYS	GRAND & BENEDICTS INC	42.93
	00168483	US BANK CORP PAYMENT SYS	QFC #5839	28.98
	00168483	US BANK CORP PAYMENT SYS	OFFICE MAX	26.24
	00168483	US BANK CORP PAYMENT SYS	EB *SEATTLE PACIFIC UN	20.00
	00168483	US BANK CORP PAYMENT SYS	QFC #5839	5.00

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: YF2500 - Family Counseling</i>				
P80807	00168441	JOHN PASTOR MD	Monthly clinical consultations	150.00
<i>Org Key: YF2600 - Family Assistance</i>				
P81122	00168467	SHOREWOOD HEIGHTS	Rental ass't for EA client R &	600.00
	00168483	US BANK CORP PAYMENT SYS	PARIS MIKI OPTICAL	225.00
	00168483	US BANK CORP PAYMENT SYS	QFC #5839	200.00
P81123	00168466	SHATTUCKS ST MARY'S SCHOOL	Partial campership for EA clie	150.00
	00168483	US BANK CORP PAYMENT SYS	QFC #5839	150.00
	00168483	US BANK CORP PAYMENT SYS	SHELL OIL 57424192508	100.00
	00168483	US BANK CORP PAYMENT SYS	QFC #5839	90.00
	00168483	US BANK CORP PAYMENT SYS	QFC #5839	90.00
P81120	00168460	PUGET SOUND ENERGY	Utility ass't for EA client FF	85.30
	00168483	US BANK CORP PAYMENT SYS	SHELL OIL 57424192508	50.00
	00168483	US BANK CORP PAYMENT SYS	SHELL OIL 57424192508	50.00
	00168483	US BANK CORP PAYMENT SYS	SHELL OIL 57424192508	50.00
<i>Org Key: YF2800 - Fed Drug Free Communities Gran</i>				
P81116	00168412	ARSCENTIA	"TALK to your kids" Mercerdale	168.00
	00168483	US BANK CORP PAYMENT SYS	CTC*CONSTANTCONTACT.COM	73.92
	00168483	US BANK CORP PAYMENT SYS	INT*PUBLISHERS GROUP, LLC	72.16
	00168483	US BANK CORP PAYMENT SYS	CADILLAC RANCH - DC	51.36
	00168483	US BANK CORP PAYMENT SYS	CADILLAC RANCH - DC	45.11
	00168483	US BANK CORP PAYMENT SYS	TAXI CHARGE DC	40.80
	00168483	US BANK CORP PAYMENT SYS	GAYLORD NATIONAL F&B	40.42
	00168483	US BANK CORP PAYMENT SYS	GAYLORD NATIONAL F&B	36.21
	00168483	US BANK CORP PAYMENT SYS	SANDSTONE INN&AIRPRT PRK	31.41
	00168483	US BANK CORP PAYMENT SYS	GAYLORD NATIONAL F&B	25.97
	00168483	US BANK CORP PAYMENT SYS	ALASKA AIR 0272141139710	25.00
	00168483	US BANK CORP PAYMENT SYS	GAYLORD NATIONAL F&B	24.38
	00168483	US BANK CORP PAYMENT SYS	EIG*HOMESTEAD	19.99
	00168483	US BANK CORP PAYMENT SYS	ALASKA AIR IN FLIGHT	12.00
Total				<u>174,903.97</u>



CITY OF MERCER ISLAND
CERTIFICATION OF PAYROLL

PAYROLL PERIOD ENDING
PAYROLL DATED

1/31/2014
2/7/2014

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the city of Mercer Island, and that I am authorized to authenticate and certify to said claim.

Charles L. Corder

Finance Director

I, the undersigned, do hereby certify that the City Council has reviewed the documentation supporting claims paid and approved all checks or warrants issued in payment of claims.

Mayor

Date

Description	Date		Amount
Payroll Checks	62699201 - 62699212		17,937.18
Direct Deposits			440,195.55
Void/Manual Adjustments			11,784.90
Tax & Benefit Obligations			233,786.08
Total Gross Payroll		2/7/14	703,703.71



CITY OF MERCER ISLAND PAYROLL SUMMARY

PAYROLL PERIOD ENDING 1/31/2014
PAYROLL DATED 2/7/2014

Net Cash	459,650.73
Net Voids/Manuals	10,266.90
Federal Tax Deposit - Key Bank	84,508.39
Social Security and Medicare Taxes	39,266.70
Medicare Taxes Only (Fire Fighter Employees)	1,762.91
Public Employees Retirement System 1 (PERS 1)	361.49
Public Employees Retirement System 2 (PERS 2)	15,181.50
Public Employees Retirement System 3 (PERS 3)	3,546.47
Public Employees Retirement System 2 (PERSJBM)	471.76
Public Safety Employees Retirement System (PSERS)	143.02
Law Enforc. & Fire fighters System 2 (LEOFF 2)	24,120.03
Regence & LEOFF Trust - Medical Insurance	13,230.69
Domestic Partner/Overage Dependant - Insurance	2,101.70
Group Health Medical Insurance	1,129.88
Health Care - Flexible Spending Accounts	3,563.31
Dependant Care - Flexible Spending Accounts	1,638.46
United Way	151.00
ICMA Deferred Compensation	35,957.86
ROTH IRA	262.00
Child Support/Garnishment Payments	772.98
MI Employees' Association	142.50
Cities & Towns/AFSCME Union Dues	0.00
Police Union Dues	0.00
Fire Union Dues	1,678.12
Fire Union - Supplemental Dues	133.00
AWC - Voluntary Life Insurance	0.00
Unum - Long Term Care Insurance	1,093.70
AFLAC - Supplemental Insurance Plans	951.91
GET - Guarantee Education Tuition of WA	1,034.50
Coffee Fund	36.00
Transportation	25.00
Miscellaneous	521.20

TOTAL GROSS PAYROLL	\$ 703,703.71
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CITY OF MERCER ISLAND
CERTIFICATION OF PAYROLL

PAYROLL PERIOD ENDING

2/14/2014

PAYROLL DATED

2/21/2014

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the city of Mercer Island, and that I am authorized to authenticate and certify to said claim.

Charles L. Corder

Finance Director

I, the undersigned, do hereby certify that the City Council has reviewed the documentation supporting claims paid and approved all checks or warrants issued in payment of claims.

Mayor

Date

Description	Date		Amount
Payroll Checks	62702453 - 62702463		15,947.98
Direct Deposits			430,670.77
Void/Manual Adjustments			6,210.77
Tax & Benefit Obligations			234,472.09
Total Gross Payroll		2/21/14	687,301.61



CITY OF MERCER ISLAND PAYROLL SUMMARY

PAYROLL PERIOD ENDING 2/14/2014
PAYROLL DATED 2/21/2014

Net Cash	446,618.75
Net Voids/Manuals	6,210.77
Federal Tax Deposit - Key Bank	80,995.49
Social Security and Medicare Taxes	40,156.30
Medicare Taxes Only (Fire Fighter Employees)	1,491.93
Public Employees Retirement System 1 (PERS 1)	361.49
Public Employees Retirement System 2 (PERS 2)	15,660.88
Public Employees Retirement System 3 (PERS 3)	3,559.64
Public Employees Retirement System 2 (PERSJBM)	471.76
Public Safety Employees Retirement System (PSERS)	174.59
Law Enforc. & Fire fighters System 2 (LEOFF 2)	23,173.60
Regence & LEOFF Trust - Medical Insurance	12,858.27
Domestic Partner/Overage Dependant - Insurance	1,616.72
Group Health Medical Insurance	1,129.88
Health Care - Flexible Spending Accounts	3,563.31
Dependant Care - Flexible Spending Accounts	1,523.08
United Way	151.00
ICMA Deferred Compensation	36,081.86
ROTH IRA	262.00
Child Support/Garnishment Payments	997.98
MI Employees' Association	142.50
Cities & Towns/AFSCME Union Dues	1,921.68
Police Union Dues	2,666.01
Fire Union Dues	1,678.12
Fire Union - Supplemental Dues	133.00
AWC - Voluntary Life Insurance	209.40
Unum - Long Term Care Insurance	1,093.70
AFLAC - Supplemental Insurance Plans	781.20
GET - Guarantee Education Tuition of WA	1,034.50
Coffee Fund	36.00
Transportation	25.00
Miscellaneous	521.20

TOTAL GROSS PAYROLL	\$ 687,301.61
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**BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND, WA**

**AB 4927
February 24, 2014
Consent Calendar**

REGIONAL WATER CONSERVATION GOAL

Proposed Council Action:

Adopt Resolution No. 1478, establishing Mercer Island's regional water conservation goal.

DEPARTMENT OF

Maintenance (Glenn Boettcher)

COUNCIL LIAISON

n/a

EXHIBITS

1. Resolution No. 1394
2. Proposed Resolution No. 1478

APPROVED BY CITY MANAGER

AMOUNT OF EXPENDITURE	\$	n/a
AMOUNT BUDGETED	\$	n/a
APPROPRIATION REQUIRED	\$	n/a

SUMMARY

In 2003, the Washington State Legislature passed the Municipal Water Law to reform the state's water laws. This law provides municipalities water right flexibility and certainty in exchange for using water more efficiently. The Legislature directed the state Department of Health to develop a Water Use Efficiency (WUE) rule to implement and regulate the law. The WUE rule is intended to increase awareness about how the efficient use of water strengthens the relationship between the reliability and safety of water supplies. Specifically, the WUE rule helps to protect against water disruptions and contamination of the water supply. The requirements of the program also are intended to promote efficient operation and management of water systems, reduce energy use and save money.

The WUE rule required municipal water suppliers to adopt a water conservation goal. Mercer Island participates in the Saving Water Partnership which covers Seattle Public Utilities (SPU) and nearly 20 other water utilities receiving water from SPU. The Saving Water Partnership established a regional goal focusing on programmatic savings. In 2007, Mercer Island implemented this goal and complied with the WUE rule by adopting Resolution No. 1394 (Exhibit 1). That goal was for the most part achieved, and the regional conservation programs now in place are viewed as highly effective.

The WUE rule also requires that a new regional conservation goal be established every six years. The new goal set forth by the Saving Water Partnership is to "reduce regional per capita water use from current levels so that total average annual retail water use of members of the Saving Water Partnership is less than 105 MGD from 2013 through 2018, despite forecasted population growth." This goal looks more broadly at savings from multiple factors that contribute to conservation, including those generated through the work of the Saving Water Partnership, state and national plumbing codes and changes in customer behavior in response to changing utility rates. The goal focuses on keeping water use below the level of 105 MGD, rather than setting a specific target for water savings. SPU will report the results annually to the state Department of Health.

Proposed Resolution No. 1478 (Exhibit 2) establishes this goal and will bring Mercer Island into compliance with the WUE rule. Adoption of the new goal will have no rate or programmatic impact on Mercer Island. If the regional goal is not met, there is no penalty to Mercer Island.

RECOMMENDATION

Maintenance Director

MOVE TO: Adopt Resolution No. 1478 establishing Mercer Island's water conservation goal as required by the Water Use Efficiency rule.

**CITY OF MERCER ISLAND
RESOLUTION NO. 1394**

**A RESOLUTION ADOPTING A WATER CONSERVATION GOAL AS
REQUIRED BY THE WATER USE EFFICIENCY RULE (CHAPTER 246-
290 WASHINGTON ADMINISTRATIVE CODE), WHICH IMPLEMENTS
THE 2003 MUNICIPAL WATER LAW (ENGROSSED SECOND
SUBSTITUTE HOUSE BILL 1338).**

WHEREAS, the Washington Administrative Code (WAC 246-290-800) designates the City of Mercer Island as a municipal water supplier, and as such the City must comply with the requirements of the Water Use Efficiency Rule.

WHEREAS, the residents of Mercer Island have for many years demonstrated a strong conservation ethic and the desire to use water and other resources as efficiently as possible.

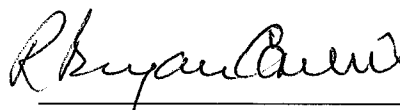
WHEREAS, Mercer Island continues to actively support the goals of the Regional 1% Water Conservation Program, which were established in partnership with Seattle Public Utilities for the water supply system.

WHEREAS, wise use of the region's water supply will become even more critical in the future.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Mayor and City Council of the City of Mercer Island as follows:

The City of Mercer Island adopts a six-year regional water conservation goal of comprised of the remainder of the 11 million gallons a day (mgd) savings goal of the 1% Water Conservation Program through 2010; and a portion of the 15 mgd goal hereby adopted from 2011 through 2030.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON
AT ITS REGULAR MEETING ON THE 3rd DAY OF DECEMBER, 2007.



R. Bryan Cairns, Mayor

ATTEST:



Allison Spietz, City Clerk, CMC

**CITY OF MERCER ISLAND
RESOLUTION NO. 1478**

**A RESOLUTION ADOPTING A WATER CONSERVATION GOAL AS
REQUIRED BY THE WATER USE EFFICIENCY RULE (CHAPTER 246-
290 WASHINGTON ADMINISTRATIVE CODE), WHICH IMPLEMENTS
THE 2003 MUNICIPAL WATER LAW (ENGROSSED SECOND
SUBSTITUTE HOUSE BILL 1338).**

WHEREAS, the 2003 Municipal Water Law requires municipal water suppliers to use water more efficiently in exchange for water right certainty and the flexibility to meet growing demand for water;

WHEREAS, the Department of Health implements and regulates the Municipal Water Law by the Water Use Efficiency Rule;

WHEREAS, the Washington Administrative Code (WAC 246-290-800) designates the City of Mercer Island as a municipal water supplier, and as such the City must comply with the requirements of the Water Use Efficiency Rule;

WHEREAS, the Water Use Efficiency Rule requires municipal water suppliers to adopt a water conservation goal every six years;

WHEREAS, Mercer Island is a member of the Saving Water Partnership which includes Seattle Public Utilities and other water utilities receiving water from Seattle Public Utilities;

WHEREAS, the Saving Water Partnership establishes regional water conservation goals to comply with the Water Use Efficiency Rule;

WHEREAS, in 2007, Mercer Island adopted Resolution No. 1394, which established the Saving Water Partnership six-year regional water conservation goal;

WHEREAS, to remain in compliance with the Water Use Efficiency Rule, Mercer Island must adopt a new six-year water conservation goal;

WHEREAS, the Saving Water Partnership set forth a new six-year regional water conservation goal to reduce regional per capita water use;

WHEREAS, the residents of Mercer Island have for many years demonstrated a strong conservation ethic and the desire to use water and other resources as efficiently as possible; and

WHEREAS, wise use of the region's water supply will become even more critical in the future.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, AS FOLLOWS:

The City of Mercer Island adopts a six-year regional water conservation goal of reducing per capita water use from current levels so that the total average annual retail water use of the members of the Saving Water Partnership is less than 105 mgd from 2013 through 2018 despite forecasted population growth.

PASSED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON,
AT ITS REGULAR MEETING ON THE 24TH DAY OF FEBRUARY 2014.

CITY OF MERCER ISLAND

Bruce Bassett, Mayor

ATTEST:

Allison Spietz, City Clerk



**BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND, WA**

**AB 4920
February 24, 2014
Consent Calendar**

**ECITYGOV ALLIANCE INTERLOCAL
AGREEMENT UPDATE**

Proposed Council Action:

Approve and authorize the City Manager to sign the Amended and Restated Interlocal Agreement Establishing the eCityGov Alliance and the Articles of Incorporation of the eCityGov Alliance.

DEPARTMENT OF

Information and Geographic Services (Mike Kaser)

COUNCIL LIAISON

n/a

EXHIBITS

1. Summary of Interlocal Agreement and Articles of Incorporation
2. Amended and Restated Interlocal Agreement Establishing the eCityGov Alliance
3. Articles of Incorporation of the eCityGov Alliance

APPROVED BY CITY MANAGER

AMOUNT OF EXPENDITURE	\$	35,852
AMOUNT BUDGETED	\$	35,852
APPROPRIATION REQUIRED	\$	0

SUMMARY

In 2002, the eCityGov Alliance ("Alliance") was formed by nine partner cities, including Mercer Island, to provide online municipal services to citizens. Since then the Alliance online application portfolio has grown to include the following:

- www.mybuildingpermit.com – Permitting and plan review
- www.myparksandrecreation.com – Recreation registration and facility booking
- www.nwmaps.net – Regional geographic information system (GIS)
- www.nwproperty.net – Economic development with focus on commercial property sales
- www.sharedprocurementportal.com – Small works and purchasing roster
- www.govjobstoday.com – Regional job postings and application portal
- www.ecitygov.net – Alliance website

In addition, the Alliance has grown its membership and now includes over 35 "subscriber" agencies in Snohomish, King, and Pierce counties. Accordingly, the language of the interlocal agreement establishing the Alliance has required updating from time to time in order to accommodate changing business and organizational requirements. The City Council approved the original interlocal agreement in 2002 (AB 3639) and approved subsequent updates in 2005 (AB 3985) and 2007 (AB 4240).

Exhibit 1 summarizes several reasons why the Alliance is amending the current interlocal agreement. One change in particular is re-establishing the Alliance as a non-profit corporation. The primary reason for this is

the Alliance intended to establish itself as a separate legal entity in 2002. However, the wording did not explicitly state which type of entity under the definitions provided in the Interlocal Cooperation Act (Ch. 39.34 RCW). The amended agreement corrects this issue. In addition the Council is being asked to approve the related Articles of Incorporation to establish the Alliance as a not-for-profit corporation.

The primary rational for the City of Mercer Island's participation in the eCityGov Alliance has been to provide quality online municipal services to its citizens in as cost efficient a manner as possible. The City realizes significant financial savings by partnering with other local agencies to build and maintain these online portals. Citizens also receive cross-jurisdictional consistency in service delivery such as permitting, recreational opportunities, and applying for public sector jobs. Staff recommends continuing this partnership and continuing to pursue innovative ways for the Alliance to provide online municipal services.

The amount budgeted in 2014 for participation in the Alliance is approximately \$35,852, less than 3% of the total Alliance revenue from partners and subscribers. Approximately \$19,500 comes from a technology fee, adopted by the Council, on each permit processed by the City of Mercer Island. No additional appropriation is needed and fees are not expected to change as a result of this new interlocal agreement.

In 2013, the Alliance hired Karen Reed, a consultant who specializes in intergovernmental agreements, to assist in updating the existing interlocal agreement. The proposed Amended and Restated Interlocal Agreement and related Articles of Incorporation have been reviewed by all nine partner agencies and have undergone legal review by the city attorneys for Bellevue, Kirkland, and Mercer Island.

RECOMMENDATION

Information Services Director

MOVE TO: Authorize the City Manager to sign the Amended and Restated Interlocal Agreement Establishing the eCityGov Alliance and approve the Articles of Incorporation of the eCityGov Alliance.

**Summary of
Amended and Restated Interlocal Agreement (“Agreement”) Establishing eCityGov Alliance and
Articles of Incorporation of eCityGov Alliance**

Interlocal Agreement

Sec.	Topic	Summary
1	Reorganization of eCityGov Alliance as a Nonprofit Corporation	The eCityGov Alliance (“Alliance”) is a joint board operation which provides online public programs and services. The Alliance is being reorganized under authorization of the Interlocal Cooperation Act (Ch. 39.34 RCW) as a nonprofit corporation pursuant to Ch. 24.06 RCW. Once re-structured as a nonprofit corporation, the Alliance will be a separate legal entity that is a municipal instrumentality; subject to all the same limitations to which cities are subject under state law.
2	Term of Agreement	The Agreement will be of perpetual duration, and may be terminated as provided in the Agreement. (See section 19)
3.	Definitions	<p>Among the key terms:</p> <p>“Participants” -- all Principals and all Subscribers.</p> <p>“Principals” – membership will be open to any municipal corporation (cities, counties, other municipal corporations formed under Washington law). All nine cities currently party to the original Alliance interlocal agreement are proposed to become Principals of the restructured Alliance: Bellevue, Bothell, Issaquah, Kenmore, Kirkland, Mercer Island, Sammamish, Snoqualmie, and Woodinville. (Renton moved to subscriber status at the end of 2013).</p> <p>“Programs and Services” are the online programs managed by the Alliance, including:</p> <ul style="list-style-type: none"> • MyBuildingPermit.com • MyParksandRecreation.com • NWMaps.net • NWProperty.net • Shared ProcurementPortal.com • GovJobsToday.com <p>“Simple Majority Vote” requires approval of more than 50% of Board members present and voting, by both Weighted vote and by number of Board members.</p> <p>“Subscribers” –municipal corporations or other entities that contract for service from the Alliance.</p> <p>“Supermajority Vote” – Requires vote of not less than 66% of <i>all</i> members of the Executive Board in number AND not less than 66% by total Weighted Votes.</p> <p>“Weighted Vote” are votes counted by proportional population of each Principal.</p>
4.	Guiding Principles	Guiding principles from the Original Agreement are included, with some minor revisions.
5.	Purposes of the Alliance	These are primarily from the Original Agreement, but the wording has been revised.

6.	Alliance Services	The Alliance will develop, own, operate, maintain and manage the Alliance's Programs and Services. The Alliance cannot set local policies, rates or charges, or take audit or enforcement action on behalf of Participants. The Alliance Executive Board will adopt Operating Policies for the Programs and Services; access and use by Participants to Programs and Services will be conditioned on compliance with the Operations Policy.
6.d	Additional Services	New online public programs and services may be added by the Alliance upon approval of a Supermajority Vote of the Executive Board.
7.	Alliance Powers	As a separate legal entity, the Alliance will have a full range of corporate powers (enter into contracts, sue and be sued, establish funds, buy and sell property, etc.) permissible under the Interlocal Cooperation Act and Ch. 29.06 RCW, but will not have the power to issue debt.
8.	Executive Board	<p>The Executive Board is the governance board for the Alliance. It has final decision making authority on all issues, and exercises all powers of the Alliance. The Executive Board may delegate day to day responsibilities to the Alliance Executive Director, and can assign specific tasks to the Operations Board and other committees within defined parameters.</p> <p>The Executive Board will be composed of one (1) Board Member per Principal. The Board may by Supermajority Vote add one or more non-voting Board Members to represent a Subscriber or Subscribers</p> <p>Board Members must be the Chief Executive Officer of their agency, or their deputy or equivalent. Each Board Member may have one designated alternate, with qualifications as similar to the Board Member.</p>
8.i	Supermajority Vote Items	<p>Routine items require a simple majority of a quorum to pass. The following will require a Supermajority Vote:</p> <ul style="list-style-type: none"> i. Adoption or amendment of the Bylaws or amendment of the Articles of Incorporation. ii. Admission of a new Principal. iii. Creating a non-voting seat for a Subscriber or Subscribers on the Executive Board. iv. Adding new Programs and Services. v. Appointing or removing the Executive Director. vi. Approving changes in the cost allocation consistent with Section 13.g to consider factors other than Population. vii. Reinstatement of a Principal that had been converted to a

		<p>Subscriber due to delinquency in making payments (See Section 13.i).</p> <p>viii. Merger, consolidation, sale of all or substantially all assets of the Alliance (See Section 16).</p> <p>ix. Amendment of the Agreement (except for those amendments requiring approval of all legislative bodies of the Principals per Section 18).</p> <p>x. Termination or dissolution of the Alliance (See Section 19).</p> <p>xi. Any other action actions requiring a Supermajority vote under Chapter 24.06 RCW.</p>
8.j	Board Officers	The Board will have 4 officers: President, Vice-President, Secretary and Treasurer. The Secretary and Treasurer functions may be performed by appointed staff; the Chair and Vice-Chair must be Board Members.
8.l	Meetings	The Executive Board will meet not less than once a year, and as often as it deems necessary. Open Public Meetings Act requirements apply to all meetings. Additional details about the Executive Board will be included in the Alliance Bylaws.
9.	Operations Board	<p>The “Operations Board” will provide advice and recommendations to the Executive Board and may be tasked with specific responsibilities by the Board, within defined parameters.</p> <p>The Operations Board will have 1 member from each Principal, plus additional Subscriber representatives as the Executive Board may determine.</p> <p>Persons serving on the Operations Board must be staff from the agency they represent, and have broad authority within their organization to coordinate internally and represent their agency on Operations Board matters.</p> <p>Details about the operation of the Operations Board will be set forth in the Alliance Bylaws.</p>
10.	Conversion of Status of Principals; Addition of New Principals or Subscribers	<p>Principals will be converted to Subscriber status if they fail to approve their share of the budget, do not pay their share of the budget, or are delinquent in payment for 60 days. Conversion means the Principal loses its vote on the Executive Board, and its right to receive Alliance assets upon dissolution. A converted Principal will be subject to the then applicable fee formula for Subscribers.</p> <p>Principals may also elect to convert to Subscriber status on not less than 9 months’ notice before the start of the next budget term (this option can only be exercised after the Initial Term.)</p> <p>The Executive Board at its discretion vote to add new Principals</p>

		<p>or Subscribers. Addition of a Principal requires a Supermajority Vote. Also, because cost allocation and Weighted Votes are based on Population, the ILA provides that if accurate data on the Population of an agency otherwise qualified to be a Principal is not readily available to the satisfaction of the Board, then such agency may not be admitted as a Principal until and unless this Agreement is amended in order to provide a mechanism for the calculation of: (1) the Weighted Vote of such agency; and (2) the calculation of the cost allocation as between the agency and other Principals. Such amendments must be approved by the legislative authorities of each Principal.</p> <p>Subscribers may request to be converted to Principals.</p>
11.	Alliance Staffing	The Executive Board shall determine the means of staffing the Alliance—using loaned staff from Principal(s), hiring consultants or other service providers, hiring employees or any combination of means.
12	Alliance Executive Director	<p>The Executive Board shall appoint an Executive Director who will be responsible for the day to day operation of the Alliance.</p> <p>The Executive Director will serve in an “at will” capacity.</p> <p>Only the Executive Board may approve selection of legal counsel, independent accountants and auditors.</p>
13	Budget – Approval Process	<p>The budget may be adopted on an annual or biennial calendar year basis.</p> <p>The Executive Director will present a proposed budget by June 15 to the Executive Board; the Executive Board will forward an approved draft budget to all Principals for their review by July 15. The final budget will be adopted by the Executive Board effective no later than December 31 after receiving information as to which Principals have approved their share of the budget in their individual city budgets, as well as information regarding continuing Subscriber interest.</p> <p>Budget approval requires a Simple Majority Vote.</p>
13.g	Budget—Cost Allocation and Cost Recovery	Generally, costs of the Alliance net of Subscriber and other revenues are allocated between all Principals based on their relative Population. If non-cities join as Principals, then the Board may make equitable adjustments to this allocation with Supermajority Vote approval, provided the primary basis for allocation shall remain population.
13.i	Delinquencies	If a Principal does not pay its charges when due, notice of delinquency is sent; if not cured within 60 days, the Principal is converted to a Subscriber. A converted Principal may appeal to the Executive Board for reinstatement (Supermajority Vote

		required). After 6 months nonpayment, service to the Principal may be halted. After 1 year, the nonpaying party is deemed to have withdrawn from the Agreement.
14.	Fiscal Agent; Retained Authority	<p>The Alliance may have a lead administering agency to act as its Fiscal Agent (currently, this service is provided by Bellevue through a separate contract with the Alliance; this arrangement will continue).</p> <p>All Participating Cities retain authority for their operational departments and services and equipment connecting to the Alliance Programs and Services, and for management of security for all data that may be linked to the Alliance Programs and Services.</p>
15.	Ownership of Property	<p>Any existing interests in Alliance real, personal and intellectual properties are conveyed to the Alliance. Each Principal transfers any interest it has in Alliance properties to the Alliance.</p> <p>Each Participating City retains ownership of its data. Each Principal has a license to use the Alliance intellectual property for so long as it is a Principal in good standing, but may not use it in a manner that competes with the Alliance. The license right survives termination of the Agreement.</p> <p>Work product created in performance of the Agreement is property of the Alliance and will be kept confidential by all Participants, their employees and agents.</p>
16.	Merger or Consolidation of Agency; Sale of all or substantially all assets	Requires approval by Supermajority Vote of Board.
17.	Withdrawal by, or Termination of, a Principal	<p>A Principal can withdraw from the Agreement effective December 31 of a year, having given not less than 1 year's advance notice.</p> <p>Departing Principals have rights to their data.</p> <p>Termination does not discharge Principal's obligations to the Alliance or other participants. A Principal converted to Subscriber status due to delinquency is obligated to pay its full year of budget allocation.</p>
18.	Amendment of Agreement	<p>The Agreement can be amended by a Supermajority Vote of the Board, except for certain key items which can only be approved by the legislative bodies of all Principals—those key items include:</p> <ul style="list-style-type: none"> a. Expansion of services beyond that contemplated in Section 6.d. b. Membership on Executive Board c. Powers of Executive Board

		<p>d. Contribution Obligations inconsistent with Section 13.g.</p> <p>e. Changes to voting rights</p> <p>f. Hold Harmless/Indemnification</p> <p>g. Duration, termination, withdrawal from Agreement</p> <p>h. Conditions to Amend the Agreement.</p> <p>Addition of Principals or Subscribers, or adding/contracting services purchased by Participants or offered by the Alliance (beyond the scope of Section 6.d) does not require approval of Principals' legislative bodies.</p>
19.	Termination of Agreement, Dissolution of Agency	<p>Termination of Agreement and Dissolution of Agency requires a Supermajority Vote. Termination date will be at least 1 year following the date of the vote to terminate to allow for a wind-up of business.</p> <p>Agency real or personal property and liabilities (if any) will be allocated to Principals participating as of dissolution, based on ratio of their contributions to the preceding 5 years' operating budgets.</p> <p>Participants retain their rights to data after termination. Each Principal, upon termination, will receive a copy of software and data templates (absent any confidential data) so that they can continue to use Programs or Services on their own in a non-exclusive manner. Any sale of such software or data templates by a Principal cannot limit the rights of other Principals without their consent. Notwithstanding this, the Executive Board may sell the intellectual property by the Alliance, in which case each Principal will receive a share of proceeds consistent with the preceding paragraph (but such sale will not limit the Principals' rights to use the software and data templates.)</p>
20.	Dispute Resolution	<p>In event of disputes (between Principals or between Principal(s) and the Alliance), parties will first try to resolve issues by meeting together; if there is no agreement, a party may request mediation. Mediator must be mutually agreed and costs would be shared equally between the parties.</p>
21.	Insurance	<p>The Alliance will carry such insurance as the Executive Board determines is reasonably practicable to minimize liability of the Participants.</p>
22.	Indemnification and Hold Harmless	<p>Principal indemnify and hold harmless other Principals and the Alliance for damages arising out of their acts or omissions.</p> <p>The Alliance will indemnify and hold harmless Principals for damages arising out of its acts or omissions.</p> <p>Subscribers entering into new or amended service contracts with the Alliance after the date of the Agreement will be required to will indemnify and hold harmless Principals and the Alliance for damages arising out of their acts or omissions.</p>

		The Fiscal Agent is indemnified for damages arising out of Principals or Alliances acts or omissions.
23 - 29	"Boilerplate" sections	Intergovernmental Cooperation; Notice; Venue; Filing; No Third Party Beneficiaries; Severability; Ratification;.
30	Effective Date	The Agreement is effective on March 1, 2014, subject to: <ol style="list-style-type: none"> 1. Approval by the legislative bodies of Principals representing not less than 88% of the Weighted Votes of the Executive Board as of January 1, 2014; 2. Withdrawal from the Original Agreement prior to March 1, 2014, by any city party to the Original Agreement declining to approve the new Agreement; and 3. Filing of the agreement as required by the Interlocal Cooperation Act.

Articles of Incorporation

Article	Subject	Summary
I	Name of Agency	eCityGov Alliance
II	Duration	Perpetual
III	Purposes	A governmental instrumentality to carry out activities per the ILA.
IV	Prohibited Activities	No actions that would violate requirements of Internal Revenue Code for nonprofit corporations.
V	Powers	As described in ILA, Chapters 24.06 and 39.34 RCW
VI	Members	The Principal Cities are "members" of the corporation
VII	Distributions upon Dissolution	No director or officers will receive corporate assets upon dissolution. Assets will be distributed per ILA to member cities.
VIII	Dissenting Members	Ensures that Alliance assets will be distributed per ILA.
IX	Bylaws	Will provide for additional detail on operations of the Alliance; these will be adopted by the Executive Board once the Alliance is restructured as a nonprofit corporation.
X	Registered Agent	For purposes of receiving legal notice; will initially be the Bellevue City Clerk
XI	Directors	Initial Board of directors identified (list will be edited to delete any member whose city does not approve the Agreement)
XII	Officers	There will be 4 officers: President, Vice- President, (referred to as Chair and Vice-Chair in ILA), Secretary and Treasurer.
XIII	Incorporators	The Cities approving the Agreement (list will be edited to delete any city that does not approve the Agreement).
XIV	Limitation of Director Liability	Directors (Executive Board members) not personally liable for their actions unless intentional misconduct, taking personal benefit to which they are not entitled.
XI	Indemnification	Consistent with the ILA and Interlocal Cooperation Act, the Agency indemnifies officers and directors and Principals. May also elect to indemnify subscribers.

AMENDED AND RESTATED INTERLOCAL AGREEMENT
ESTABLISHING ECITYGOV ALLIANCE

Version dated 1.24.14

AMENDED AND RESTATED INTERLOCAL AGREEMENT
ESTABLISHING ECITYGOV ALLIANCE

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AMENDED AND RESTATED INTERLOCAL AGREEMENT
ESTABLISHING ECITYGOV ALLIANCE

THIS AGREEMENT, incorporating all exhibits hereto, is entered into as of March 1, 2014, by and between the municipal corporations organized under the laws of the State of Washington which are parties signatory to this Agreement (hereinafter referred to as the “Principals”), pursuant to the Interlocal Cooperation Act Ch. 39.34 RCW and has been authorized by the legislative body of each Principal.

RECITALS

WHEREAS, each of the Principals is a party to the Interlocal Agreement establishing eCityGov Alliance, originally executed in 2002, and later amended in 2005, 2007 and 2009 (collectively, the “Original Agreement”); and

WHEREAS, the eCityGov Alliance was formed to provide for the joint development, oversight and delivery of regionally coordinated online public sector services; and

WHEREAS, the Principals wish to strengthen and modify the governance and corporate structure of the Alliance and update other provisions of the Original Agreement, while ensuring the Alliance maintains all its current rights and responsibilities except as modified herein; and

WHEREAS, the Original Agreement established the Alliance as a joint board and stated the intent of the Alliance to be formed as a separate legal entity; and

WHEREAS, the creation of an intergovernmental entity and joint instrumentality in the form of a governmental nonprofit corporation whose members are Principals will enable each Principal to participate in the joint oversight and management of programs and services offered by the Alliance, will enable each Principal’s use of these programs and services, provide economies of scale, create a mechanism for cross-agency collaboration, and provide more seamless public access to member agency services; and

WHEREAS, it is anticipated that additional government agencies will elect to join the Alliance over time, and that some may wish to do so as subscribers to the Alliance’s services rather than as Principals; and

WHEREAS, this agreement is authorized by the Interlocal Cooperation Act and Nonprofit Corporation Act set forth in chapters 39.34 and 24.06, respectively, of the Revised Code of Washington;

NOW THEREFORE, in consideration of the promises and agreements contained in this Agreement and subject to the terms and conditions set forth, it is mutually understood and agreed by the parties as follows:

SECTION 1. REORGANIZATION OF ECITYGOV ALLIANCE AS A NONPROFIT CORPORATION.

The eCityGov Alliance (“Alliance”) is reorganized as a nonprofit corporation under Chapter 24.06 RCW as authorized by the Interlocal Cooperation Act (Ch. 39.34 RCW), and as so reorganized the Alliance shall continue to have all rights and responsibilities assigned it by the Principals as contemplated and accomplished pursuant to the Original Agreement, including but not limited to the responsibility for developing, owning, operating and managing the Alliance programs and services on behalf of the Principals and its Subscribers. Nothing herein shall be deemed to prevent the Alliance from any further reorganization permitted by applicable law, including without limitation conversion to a municipal corporation.

SECTION 2. TERM OF AGREEMENT; REPLACEMENT OF ORIGINAL AGREEMENT.

This Agreement shall be of perpetual duration, subject to termination provisions contained herein. From and after its effective date, this Agreement replaces the Original Agreement which shall be of no further force or effect.

SECTION 3. DEFINITIONS.

a. Agreement. The “Agreement” is this interlocal agreement, as it may hereafter be amended or modified, together with all exhibits and appendices hereto, as they may hereafter be amended or modified.

b. Alliance. The “Alliance” is the eCityGov Alliance, restructured per this Agreement as a nonprofit corporation owned and governed by its member Principals.

c. Articles of Incorporation. The “Articles of Incorporation” or “Articles” are terms defining aspects of the Alliance corporate formation under RCW 39.34.030(3)(b) and consistent with RCW 24.06.025, as they may hereafter be amended by the Executive Board.

d. Board Member. A “Board Member” or “Executive Board Member” is the individual representing a Principal on the Executive Board or his/her designated alternate, and also includes any individual appointed to represent a Subscriber or Subscribers as a non-voting *ex officio* Board Member.

e. Bylaws. The “Bylaws” as adopted and amended from time to time by the Executive Board shall govern the operations of the Alliance Executive Board, Operations Board, and the officers thereof.

f. Executive Board. The “Executive Board” is the body described in Section 8 and shall be the governing body of the Alliance.

g. Executive Director. The “Executive Director” is the chief operating officer for the Alliance appointed by and serving at the pleasure of the Executive Board.

h. Fiscal Agent. The “Fiscal Agent” refers to that agency or government that holds and manages the Alliance’s funds, and performs accounting and other services for the Alliance as required per separate contract between the Fiscal Agent and the Alliance, and in accordance with the requirements of Chapter 39.34 RCW.

i. Operations Board. The “Operations Board” is the committee described in Section 9.

j. Original Agreement. The “Original Agreement” is the Interlocal Agreement establishing the eCityGov Alliance, originally executed in 2002, and later amended in 2005, 2007 and 2009. The Cities of Bellevue, Bothell, Issaquah, Kenmore, Kirkland, Mercer Island, Snoqualmie, Sammamish and Woodinville remain party to the Original Agreement as of January 1, 2014.

k. Operations Policy. The “Operations Policy” is a separate document adopted by the Executive Board, as it may be amended from time to time, which describes how data will be shared between the Participants and the Alliance, and sets forth operating procedures and rules for the Alliance Programs and Services.

l. Participants. All Principals, and all Subscribers, as they may be so constituted from time to time, are collectively referred to as the “Participants,” and individually referred to as a “Participant.”

m. Population. “Population” is the residential population of a Principal, according to the most recent annual report issued by the State Office of Financial Management determining the population of each city for purposes of taxation and allocation of certain state shared revenues in the following calendar year, or, for Principals who are not cities, such other official federal or state agency report that the Board determines provides sufficiently equivalent information.

n. Programs and Services. The “Programs and Services” are online public programs and services operated or sponsored by the Alliance. As of the date of this Agreement, the Programs and Services are those described in Exhibit A. Programs and Services offered by the Alliance may be expanded as described in Section 6.d.

o. Principal. A “Principal” is a municipal corporation formed under the laws of the state of Washington which has accepted the terms of and is a party to this Agreement and has paid its share of initial costs as may be required by the Executive Board as a condition to becoming a Principal. Principals shall receive access to all Programs and Services offered by the Alliance, according to such terms and conditions as may be established by the Executive Board.

p. Program Committee. A “Program Committee” is a team of staff from Participant agencies tasked with developing proposals for, and assisting in the implementation of, Program Work Plans, under the guidance and direction of the Executive Director.

q. Program Work Plan. A “Program Work Plan” is a document describing the goals, staffing, milestones, budget and task list to accomplish a specified Program or Service within a specified period (typically a budget period). Program Work Plans shall be approved by the Executive Board per Section 7.n.

r. Representative. The term “Representative” refers to the individual representing a Principal or a Subscriber on the Operations Board, or his/her designated alternate.

s. Simple Majority Vote. A “Simple Majority Vote” of the Executive Board means the affirmative vote of a majority (more than 50%) of the votes present and voting, calculated by both Weighted Votes present and by number of the Executive Board Members present.

t. Subscriber. A “Subscriber” is a municipal corporation formed under the laws of Washington, or another corporation or entity which has agreed to pay the Alliance for services according to such terms and conditions as may be established by the Executive Board and evidenced by separate contract between the Alliance and such entity. A Principal may convert or be converted to Subscriber status as provided in Sections 10,13.d and 13.i, and a Subscriber that is formed as a municipal corporation under the laws of the state of Washington may convert to a Principal as described in Section 10.

u. Supermajority Vote. A “Supermajority Vote” means the affirmative vote of not less than sixty-six percent (66%) of the total Weighted Votes of the Executive Board, and not less than sixty-six percent (66%) of the total number of the Executive Board Members.

v. Weighted Vote. A “Weighted Vote” means a vote in which the vote of each Board Member representing a Principal is counted according to the proportional Population of each Principal in relationship to the total Population of all Principals.

SECTION 4. GUIDING PRINCIPLES.

It shall be the policy of the Alliance to adhere to the following principles to the best of its abilities and as is reasonably practical for the purposes of managing and operating the Alliance:

- a. Cost sharing is equitable;
- b. Risk is shared;
- c. Mission is not diluted;
- d. Focus is on providing strong and effective products;
- e. Roles and responsibilities are clearly defined;
- f. Benefit is clear and direct to Participants;
- g. Control and flexibility is retained by Participants;
- h. Business drives technology;

- i. Decision making is transparent and efficient;
- j. Innovation is supported; and
- k. Effectiveness and efficiency of programs and services is periodically confirmed by Executive Board review and consideration of options.

SECTION 5. PURPOSES OF ALLIANCE.

The Alliance shall have the following purposes:

- a. Create regionally coordinated portal(s) for the delivery of public sector services via the Internet.
- b. Provide citizens and businesses a variety of services and information in a manner that is coordinated among participating jurisdictions, and efficiently integrated with internal operations.
- c. Provide a forum for the sharing of resources in the development and deployment of future public sector services, forging partnerships with other public and private entities that seek to enhance services, information and business process, and create a mechanism for cross-boundary staff collaboration, training, and work coordination for Alliance services and products.
- d. Create economies of scale among Participants, by coordinating and cooperating in joint purchasing, application development and other projects, from which Alliance Participants benefit.

SECTION 6. ALLIANCE SERVICES.

- a. Generally. The Alliance has the responsibility to develop, own, operate, maintain, acquire and manage such Programs and Services as are currently provided by the Alliance, further described in Exhibit A and for managing the operations of the Alliance. It is expressly contemplated that this scope of services includes:
 - i. The implementation, operation and maintenance of replacement or upgrades of the Alliance Programs and Services as necessary or appropriate.
 - ii. The development and adoption of rules for access, use and maintenance of the Alliance by Participants and other users of Programs and Services.
 - iii. Any additional online public service Programs and Services as may be approved per Section 6.d.
 - iv. Other responsibilities reasonably necessary for the development, operation and maintenance of the Alliance.
 - v. Other related or ancillary services.

b. The Alliance is authorized to create and maintain a cooperative purchasing process, including but not limited to the creation of a small works roster and shared procurement portal. For so long as the Alliance maintains these operations, the Alliance shall be the lead agency for purposes of complying with the requirements of RCW 39.04.155, as it now exists or as hereafter amended and as authorized by RCW 39.34.030, as it exists now or as hereafter amended.

c. Limitation on Authority. The Alliance shall have no authority to set local policies, rates or charges, or take audit or enforcement action on behalf of any Participant.

d. Expansion of Scope of Services. As of the effective date of this Agreement, the Alliance offers those Programs and Services as described on Exhibit A. The Alliance may provide additional online public service Programs or Services only upon approval of a Supermajority Vote of the Executive Board.

e. Operating Policies and Rules for Use of Portal. In order to protect sensitive or confidential data, and assure the relationship between the Alliance and Participants remains fully functional and secure, the Executive Board shall adopt an Operations Policy. It is understood and agreed that the access and use of Alliance Programs and Services by any Principal or Subscriber is conditioned on that party's compliance with the Operations Policy. The Operations Policy will be regularly reviewed and updated by the Executive Board as necessary or appropriate.

f. Access by Principals to all Programs and Services. All Principals shall be entitled to use all Alliance Programs and Services, subject to the Principals compliance with the Operations Policy.

g. Requirement of Principals Use of Alliance Programs and Services. No Principal is required to use or deploy any Program or Service offered by the Alliance. Nothing in this Agreement shall be interpreted to preclude a Participant from using or deploying competing services or program similar in functionality to Alliance Programs and Services.

SECTION 7. ALLIANCE POWERS.

Through its Executive Board, the Alliance shall have all powers allowed by law for interlocal agencies created under RCW 39.34.030 and Chapter 24.06 RCW, as they now exist or may hereafter be amended, and as authorized, amended, or removed by the Executive Board, as provided for in this Agreement, and including but not limited to the following:

- a. Recommend action to the legislative bodies of the Principals and to Subscribers;
- b. Review and adopt budgets for the Alliance, and approve budget expenditures;

- c. Establish policies for cost allocation and expenditures of budget items for the Alliance;
- d. Review and adopt a personnel policy for the Alliance (if applicable);
- e. Review and approve operating policies for the Alliance, its Programs and Services;
- f. Establish a fund or special fund or funds as authorized by RCW 39.34.030 for the operation of the Alliance;
- g. Conduct regular and special meetings as may be designated by the Executive Board consistent with the state Open Public Meetings Act (Ch. 42.30 RCW) as now or hereafter amended;
- h. Maintain and manage records in accordance with the state Public Records Act (Ch. 42.56 RCW) as now or hereafter amended, and other applicable state and federal laws and regulations;
- i. Determine what Programs and Services shall be offered through the Alliance and under what terms they shall be offered, consistent with Section 6;
- j. Retain and terminate an Executive Director;
- k. Appoint and terminate a Fiscal Agent to hold and manage the Alliance's funds;
- l. Direct the Operations Board, to review and make recommendations and carry out such functions and responsibilities as the Board may expressly provide, or create new committees for such purposes;
- m. Approve strategic plans;
- n. Approve Program Work Plans and receive periodic briefings on progress in implementing same;
- o. Approve the addition of new Principals and new Subscribers and the terms of their participation in the Alliance and receipt of Alliance Programs and Services;
- p. Enter into agreements with third parties for goods and services necessary to fully implement the purposes of this Agreement;
- q. Establish fees and charges for services provided to Participants or other parties, including but not limited to users of Alliance Programs and Services;
- r. Direct and supervise the activities of any committee and any advisory board established by the Executive Board and the Executive Director;
- s. Hear and resolve disputes between Participants and resolve change management issues that are not resolved at the Operations Board;
- t. Accept loans or grants of funds from any federal, state, local or private agencies and receive and distribute such funds;
- u. Receive all funds allocated to the Alliance by Participants;

- v. Purchase, take, receive, lease, take by gift, or otherwise acquire, own, hold, improve, use and otherwise deal in and with real or personal property, or any interest therein, in the name of Alliance;
- w. Sell, convey, lease, exchange, transfer, and otherwise dispose of all of its property and assets;
- x. Sue and be sued, complain and defend, in all courts of competent jurisdiction in Alliance's name;
- y. Make and alter bylaws for the administration and regulation of its affairs; and
- z. Any and all other lawful acts necessary to further the Alliance's goals and purposes; and
- aa. Except as expressly provided above, the Alliance shall not have the power or authority to issue debt in its own name.

The Alliance, as a joint instrumentality of its municipal corporation members under Chapter 39.34 RCW, shall have no powers or authority that is not held by Washington cities.

SECTION 8. EXECUTIVE BOARD: COMPOSITION AND OPERATION.

- a. Composition. The Executive Board shall be composed of one (1) Board Member from each Principal. Such representatives are referred to as a Board Member or Executive Board Member. The Executive Board may, by Supermajority Vote, add one or more non-voting *ex officio* Board Members to represent a Subscriber or Subscribers.
- b. Powers. The Executive Board shall have final decision making authority upon all policy issues and shall exercise the powers described in Section 7. The Executive Board may delegate responsibility for execution of Executive Board policies and directives and for day-to-day operational decision-making to the Executive Director, including the hiring and supervision of additional staff positions authorized by the Executive Board, subject to Section 12.
- c. Qualifications to Serve on Executive Board. To serve on the Executive Board, as either a voting or non-voting Board Member, a person must be the appointing agency's Chief Executive Officer (e.g., for a Principal that is a city, the Mayor or City Manager, or equivalent), or their deputy or equivalent.
- d. Conditions for Serving on Executive Board. All Executive Board Members and their alternates shall serve without compensation from the Alliance. However, the Alliance may pay for or reimburse Executive Board Members and alternates for reasonable out-of-pocket costs related to service on the Board.

e. Term of Office; Vacancies. Executive Board Members shall serve on the Executive Board for so long as they hold a position that qualifies them for the seat, unless the agency they represent elects to appoint another individual. Any vacancies shall be promptly filled by the appointing Principal.

i. Non-Voting Subscriber Representative(s) on Board. In the event the Board determines to add a Non-Voting Subscriber seat to the Board to represent more than one Subscriber, the Board shall determine the process to select and replace the Subscriber representative.

f. Alternates. Each Executive Board Member shall have a single alternate designated in writing. Alternates must be in a senior management position within their agency.

g. Quorum. A simple majority of the Board Members representing Principals (or their alternates) in number (excluding any Board Member which per Section 17 has given notice of withdrawal or which has been terminated by vote of the Executive Board) shall constitute a quorum of the Executive Board for purposes of taking action.

h. Voting. The Executive Board shall strive to operate by consensus. All Executive Board decisions on items not listed in Section 8.i shall require a Simple Majority Vote for approval. A Board Member may not split his or her vote on an issue. No voting by proxies or mail-in ballots is allowed. Voting by a designated Alternate is not considered a vote by proxy. A Board Member representing a Principal that has given notice of withdrawal or which has been terminated by vote of the Executive Board shall be authorized to cast votes at the Executive Board only on budget items to be implemented prior to the withdrawal or termination date

i. Items Requiring a Supermajority Vote for Approval:

- i. Adoption or amendment of the Bylaws or amendment of the Articles of Incorporation.
- ii. Admission of a new Principal.
- iii. Creating a non-voting seat for a Subscriber or Subscribers on the Executive Board.
- iv. Adding new Programs and Services.
- v. Appointing or removing the Executive Director.
- vi. Approving changes in the cost allocation consistent with Section 13.g to consider factors other than Population.
- vii. Reinstatement of a Principal that had been converted to a Subscriber due to delinquency in making payments (See Section 13.i).
- viii. Merger, consolidation, sale of all or substantially all assets of the Alliance (See Section 16).

- ix. Amendment of the Agreement (except for those amendments requiring approval of all legislative bodies of the Principals per Section 18).
- x. Termination or dissolution of the Alliance (See Section 19).
- xi. Any other action actions requiring a Supermajority vote under Chapter 24.06 RCW.

j. Officers. The Executive Board shall have four officers, a Chair, Vice-Chair, Secretary and Treasurer. It will be the function of the Chair to preside at the meetings of the Executive Board. The Vice-Chair shall assume this role in absence of the Chair. At the first meeting of the Executive Board following the effective date of this Agreement, the officers shall be elected, and shall serve in this capacity through May 1, 2016, whereupon a new Chair and Vice-Chair shall be elected by the Executive Board. Biennially thereafter, the Executive Board shall elect a new Chair and Vice-Chair for two (2) year terms commencing each May 1. The Chair and Vice-Chair must be Board Members. In the event of a vacancy in the Chair position, the Vice-Chair shall assume the Chair for the balance of the term of the departed Chair. In the event of a vacancy in the Vice-Chair position, the Executive Board shall elect a new Vice-Chair to serve to the balance of the term of the departed Vice-Chair. An officer elected to fill the unexpired term of his or her predecessor shall not be precluded from serving one or more full annual terms of office following the end of such unexpired term. Any officer appointed by the Executive Board may be removed by vote of the Executive Board, with or without cause, in which event the Executive Board shall promptly elect a new officer who shall serve until the next regular officers' board term begins. The Executive Board may appoint persons other than Board Members of the Executive Board to serve as Secretary and Treasurer of the Alliance. The duties of all officers shall be further described in the Bylaws.

k. Staffing. The Executive Director shall assign agency staff to support the Executive Board as he or she deems appropriate.

l. Meetings. The Executive Board shall meet as often as it deems necessary and not less than once a year, at a time and place designated by the Chair of the Executive Board or by a majority of its Board Members. Not less than fourteen (14) days advance notice of regular meetings shall be given. Special meetings may be called by the Chair or any two (2) Board Members upon giving all other Board Members not less than ten (10) days prior notice. In an emergency, the Executive Board may dispense with written notice requirements for special meetings, but must, in good faith, implement best efforts to provide fair and reasonable notice to all Executive Board Members. Board Members (or alternates) may participate in meetings by telephone conference or equivalent means of voice communication. At all times the Executive Board shall comply with Ch. 42.30 RCW (Open Public Meetings Act).

m. Articles of Incorporation and Bylaws. Unless otherwise provided in the Articles and Bylaws or vote of the Executive Board, upon the request of any Board Member of the

Executive Board, Robert's Revised Rules of Order shall govern any proceeding of the Executive Board.

n. Consultation with Operations Board. It is the intent of this Agreement to seek the active participation and advice of Participants in the determination of Alliance policies and management. To the extent practicable, all items to come before the Executive Board shall have been previously subject to the review, comment and recommendation of the Operations Board and the Executive Board shall consider input from the Operations Board in its deliberations.

SECTION 9. OPERATIONS BOARD.

a. Role and Responsibilities. An Operations Board shall be established to provide advice and recommendations to the Executive Board. The Executive Board may determine to direct the Operations Board to perform specific responsibilities within parameters defined by the Executive Board. The Operations Board shall endeavor to promote interagency collaboration, cooperation and information sharing between Alliance Principals and Subscribers.

b. Membership. Membership of the Operations Board shall include one (1) Representative from each Principal, appointed by the Executive Board Member representing that Principal, plus such additional Subscriber Representatives as the Executive Board may determine. Each Principal shall appoint in writing a designated alternate to serve on the Operations Board in case of absence of the primary Representative.

c. Qualification to serve on Operations Board. Representatives and their alternates shall be staff from the Principal (or Subscriber) they represent, and have broad authority within their organization to coordinate internally and represent their agency on Operations Board matters. Persons serving on the Operations Board (or alternates) shall serve without compensation from the Alliance.

d. Officers, Voting, Meeting Rules. The officers, voting and meeting rules for the Operations Board shall be set forth in the Alliance Bylaws.

e. Staffing. The Operations Board shall be staffed by the Executive Director and such additional agency staffing as the Executive Director may deem appropriate.

SECTION 10. CONVERSION OF STATUS OF PRINCIPALS; ADDITION OF NEW PRINCIPALS OR SUBSCRIBERS.

a. Loss of Principal Status. As described in Sections 13.d and 13.i hereof, a Principal shall be converted to Subscriber for failure to approve its share of the budget or for

delinquency in payment of charges and fees. On the date of such conversion, said former Principal shall:

- i. lose its representation on the Executive Board;
- ii. lose its right to receive a share of the Alliance assets upon dissolution of the Alliance;
- iii. become subject to payment of charges and fees in accordance with the then applicable payment formula for Subscribers; and
- iv. be bound by the terms of the then current Subscriber service contract.

The conversion of a Principal to Subscriber shall not discharge or relieve any Principal of its obligations to the Alliance or any other Participant.

b. Election to Convert to Subscriber: A Principal may elect to convert to Subscriber status effective the first day of the next budget period by giving notice of its intent to the Governing Board not less than nine (9) months in advance of such effective date. Such conversion shall be effective as proposed without further action of the Executive Board, barring any basis for terminating the Principal and action thereon by the Executive Board.

c. New Principals: Subject to the terms of subsection (i) below, a municipal corporation otherwise meeting the qualifications of a Principal in Section 3.0 hereof may be admitted to the Alliance upon Supermajority Vote of the Executive Board and its approval and execution of a document confirming same. Similarly, a Subscriber may apply to the Executive Board to be converted to Principal status. As a condition of becoming a Principal, whether by conversion or new admission, the Executive Board may require payment or other contributions or actions by the new Principal as the Executive Board may deem appropriate, and may set such start date for service as it deems appropriate, it being the intention that the addition of new Principals shall not cause then-existing Principals or Subscribers to incur additional costs.

- i. If accurate data on the Population of an agency otherwise qualified to be a Principal is not readily available to the satisfaction of the Board, then such agency may not be admitted as a Principal until and unless this Agreement is amended in order to provide a mechanism for the calculation of: (1) the Weighted Vote of such agency; and (2) the calculation of the cost allocation as between the agency and other Principals per Section 13.g. Such amendments must be approved by the legislative authorities of each Principal as required by Section 18.

d. New Subscribers. The determination of whether to accept Subscribers shall be made by the Executive Board in a manner similar, and subject to such terms and conditions, as that for accepting new Principals, it being the intention that the addition of new Subscribers shall not cause then-existing Principals or Subscribers to incur additional costs.

SECTION 11. STAFFING AND PROGRAM COMMITTEES.

a. Generally. The Alliance shall be staffed in such manner as the Executive Board determines, including but not limited to the use of loaned employees from Principals, consultants or other service providers, purchase of services from Principals or others, or hiring staff, or any combination of the foregoing.

b. Program Committees. As may be directed by the Executive Board, Participants shall designate staff to participate in Program Committees tasked with assisting the Executive Director in the development and implementation of Program Work Plans. Program Work Plans shall be submitted for Executive Board consideration, and implemented consistent with the conditions of Executive Board action.

c. Program Work Plan Implementation Disputes. Program Committees shall submit any unresolved Program Work Plan implementation disputes to the Operations Board for its decision. If the Operations Board is unable or fails to resolve a dispute in a timely manner, it shall be forwarded to the Executive Board for resolution.

SECTION 12. ALLIANCE EXECUTIVE DIRECTOR.

a. Alliance Executive Director Appointment, Responsibilities and Authority. The Executive Board shall be responsible for the appointment and termination of an Executive Director of the Alliance. The Executive Director shall:

- i. Be responsible and report to the Executive Board and advise it from time to time on budget and other appropriate matters in order to fully implement the purposes of this Agreement;
- ii. Develop and submit to the Executive Board a proposed budget, after seeking input on same from the Operations Board;
- iii. Consult with the Operations Board regarding Alliance operations, Programs and Services;
- iv. Administer the Alliance in its day-to-day operations consistent with the policies adopted by the Executive Board; and
- v. Appoint persons to fill other staff positions, subject to confirmation by the Executive Board as the Board may require.

b. Qualifications, Retention, and Termination. The Executive Director shall have experience in technical, financial and administrative fields and his or her appointment shall be on the basis of merit only. The Executive Director is an “at will” position and may be terminated from his or her position as Executive Director upon the Supermajority Vote of the Executive Board, without cause. The Executive Board shall consult with the Operations Board in the evaluation and selection of the Executive Director.

c. Legal Counsel, Accountants and Auditors. Only the Executive Board shall be authorized to hire or retain legal counsel and independent accountants and auditors. Other consultants may be designated in such manner as the Executive Board may determine subject to Sections 7 and 8.

d. Contracts and Support Services. Subject to such additional requirements as may be set forth in the Bylaws, the Executive Director with advice of the Operations Board shall as necessary contract with appropriate local governments or other third parties for staff, supplies and services.

e. Fiscal Agent and Administrative Services. The Executive Board may contract with a Participant or Participants to provide Fiscal Agent and financial management services for the Alliance, including but not limited to records, payroll, accounting, purchasing and data processing.

SECTION 13. BUDGET; COST ALLOCATION; PAYMENT OF CHARGES; DELINQUENCIES; RESERVE FUNDS.

a. Budget Fiscal Year. The budget fiscal year shall be either the calendar year, or two calendar years as the Executive Board may determine. The “budget period” corresponds to the fiscal year or years so determined by the Board.

b. Budget Approval. The Executive Director shall develop the proposed operating budget in consultation with the Operations Committee. The Executive Director and Executive Board shall use best efforts to meet the scheduled budget dates set forth in this Section but failure to meet such dates shall not constitute a breach of this Agreement.

- i. The Executive Director shall present a proposed budget to the Executive Board by no later than **June 15** prior to the commencement of the budget period, together with the Operation Committee’s recommendations with respect to the proposed budget.
- ii. By no later than **July 31**, the Executive Board shall (1) review and revise the draft budget as it deems appropriate; (2) approve the draft budget (including proposed charges to Participants and any user fees); and (3) forward the same to Principals. The approved draft budget, and all proposed fees and charges shall be forwarded to Subscribers no later than **September 15**.

iii. The final budget shall be adopted by vote of the Executive Board effective no later than **December 31** prior to commencement of the budget period, after receiving information as to:

1. which Subscribers will be continuing to contract with the Alliance; and
2. which Principals have or will approve their shares of the Alliance budget, based on action or information from such Principals received by the Alliance no later than **December 1**.

iv. Vote Required to Approve Budget. A Simple Majority Vote of the Executive Board is required to approve the draft and final budget.

c. Payment of Charges. The Executive Board shall determine the timing of payments by Participants.

d. Failure of a Principal to Approve Budget Share. Failure of a Principal to approve its share of the budget before the commencement of the budget period shall result in the Principal being converted to Subscriber status effective as of the first day of the budget period for which it did not approve its budget share.

e. Notification of Final Adopted Budget. Promptly following final adoption of the budget by the Executive Board, the Executive Director shall provide notice to all Principals and Subscribers as to the terms of the final adopted budget, including their share of Alliance costs, charges and fees, and the payment schedule.

f. Budget Modifications. Modifications to the budget shall be approved by a Simple Majority Vote of the Executive Board as necessary from time to time to account for changes in expenditures and revenues.

g. Cost Allocation. The costs of funding the approved Alliance budget, net of all estimated revenue chargeable to Subscribers and all other revenues, shall be generally allocated between all Principals based on their relative Population as compared to all other Principals. Nothing in this Agreement shall be construed to prohibit the Executive Board from including factors in addition to Principal Population or making other equitable adjustments in the cost allocation formulas, so long as the primary basis for allocation as between Principals remains Population, and any adjustment in the cost allocation formulas must be approved by a Supermajority Vote.

h. Subscriber Charges and User Fees. The Alliance shall impose such reasonable Subscriber charges as the Executive Board may determine, and may also impose user fees on others for use of Alliance Programs and Services, in order to recoup costs of Alliance operations, reserves and any other Alliance costs.

i. Delinquencies. Alliance policies and practices with respect to providing notice of, and charging interest on, late payments owing to the Alliance from Principals and Subscribers shall be established by action of the Executive Board, subject to Section 10. If such fees and interest penalties (if any), are not paid in full within 60 days of the original due date, then the Principal delinquent in payment of fees shall upon such 60th day be deemed immediately converted to the status of a Subscriber and subject to penalty as described in Section 10 A Principal that has been converted to Subscriber status per the preceding sentence may appeal to the Executive Board to be reinstated as a Principal, and approval of any such appeal shall require Supermajority Vote of the Executive Board. In the event a Principal converted to Subscriber status by non-payment of fees shall not have paid in full all fees and interest owing by six (6) months after the original due date, then the Executive Board may terminate provision of the Alliance's services to that former Principal. After one (1) year, the nonpaying former Principal shall be deemed to have withdrawn from this Agreement, but the termination of services shall not absolve the former Principal of its obligation to pay all fees and charges past due, together with any interest charges owing per Board policy.

j. Reserve Funds. The Executive Board may establish and fund reserve funds to support operations or capital investments for the Alliance, at levels the Executive Board determines to be appropriate.

k. Use of Funds. Consistent with any use imposed on particular funds by statute, ordinance, Board resolution, contract, this Agreement or the Bylaws, the Alliance may use any available funds for any purpose authorized by this Agreement in connection with an authorized project.

SECTION 14. FISCAL AGENT; RETAINED AUTHORITY AND RESPONSIBILITY OF PARTICIPANTS.

a. Fiscal Agent. The Alliance may have a lead administering agency, designated by the Executive Board, to carry out administrative functions and act as the Fiscal Agent for the Alliance. The Fiscal Agent, if any, will have all power and authority necessary or appropriate to: (i) deposit, manage and expend monies from Alliance funds in furtherance of the purposes of this Agreement; and (ii) carry out the provisions of any applicable service level agreement ("SLA") between Fiscal Agent and the Alliance. The Fiscal Agent may cease serving as the Fiscal Agent upon six months written notice to the Executive Board or as otherwise provided in the SLA.

b. Retained Authority and Responsibilities. Notwithstanding subsection 14.a above, each Participant shall retain the responsibility and authority for its operational departments and for such equipment and services as are required at its place of operation to connect to Alliance online Programs and Services, including but not limited to each Participant's computer and data systems managing processes. Each Participant shall also retain the responsibility and authority for managing and maintaining the security and privacy of all data that the Participant links to Alliance online Programs and Services. Inter-connecting equipment and services will not be included in Alliance budget and operational program, except as the Executive Board may determine.

SECTION 15. OWNERSHIP OF PROPERTY.

a. Ownership of Property. The Alliance's existing interests in real, personal and intellectual properties (collectively, "Alliance properties") are hereby assigned and transferred to the newly reorganized Alliance. By approving and executing this Agreement, each Principal, assigns and transfers any and all interest in Alliance properties to the Alliance, which will own and manage the Alliance properties pursuant to this Agreement.

b. Loaned Property. Notwithstanding the foregoing Section, if any Participant provides equipment or furnishings for Alliance use, the title to the same shall rest with the respective Participant unless that equipment or furnishing is acquired by the Alliance.

c. Data. Each Participant shall retain ownership of its own data and property that may be used in connection with Alliance Programs and Services or other Alliance operations.

d. License Rights to Alliance Intellectual Property. Each Principal has a license to use the Alliance intellectual property, for so long as each Principal remains a Principal member of the Alliance in good standing. This license right shall survive termination of this Agreement, for any Principal that is a party in good standing to the Agreement as of the date of termination of the Alliance. No Principal may use licensed Alliance intellectual properties in a manner that competes with the Alliance. Subscribers shall have such license rights to use Alliance intellectual property as may be prescribed by separate agreement between the Alliance and a Subscriber.

e. Intellectual Property Developed at Request and Expense of Alliance. Any software code or other intellectual property developed, created, or improved at the request and expense of the Alliance, including without limitation work undertaken by city or other Principal or Subscriber agency staff pursuant to a contract with the Alliance, is the property of the Alliance.

f. Work Product/Confidentiality. All work product including records, data, information, development notes, discs, magnetic media, files, designs, sketches, finished or

unfinished documents or other documents, material or data created in performance of this Agreement is the property of the Alliance. All such work product shall be kept confidential by all the Principals and Subscribers and the Principal's and Subscriber's employees and agents and shall not be made available to any individual or organization by any Principal or Subscriber without the prior written consent of the Executive Board or unless required pursuant to court order, the Public Records Act or other applicable law.

SECTION 16. MERGER OR CONSOLIDATION, OR SALE OF ALL OR SUBSTANTIALLY ALL ASSETS.

Approval of the merger or consolidation of the Alliance with another entity, or the sale of all or substantially all assets of the Alliance, shall require a Supermajority Vote.

SECTION 17. WITHDRAWAL BY, OR TERMINATION OF, A PRINCIPAL.

a. Notice and Timing. Any Principal may withdraw its membership and terminate its participation in this Agreement by providing written notice to the Executive Board on or before December 31 in any year, and the Executive Board shall promptly inform all other Principals of such notice. That withdrawal shall become effective on the last day of the next calendar year.

b. Rights of departing Principal. Departing Principals shall have rights to copies of all data held by the Alliance relating specifically to the Principal. Any Principal withdrawing from the Alliance forfeits its interests in any of the property or intellectual property owned by the Alliance and any future revenues associated with Alliance products and/or services.

c. The termination and/or withdrawal of a Principal shall not discharge or relieve any Principal of its obligations to the Alliance or other Participants incurred prior to the effective date of the Principal's withdrawal. In particular but without limitation, a Principal converted to Subscriber status due to delinquency per Section 13.i. shall be obligated to pay its full allocation of the approved Alliance budget for the budget year in which the Principal was delinquent.

SECTION 18. AMENDMENT OF AGREEMENT.

This Agreement may be amended upon approval of a Supermajority Vote of the Executive Board except that any amendment affecting the following shall require consent of the legislative authorities of all Principals:

- a. Expansion of the scope of services provided by the Alliance beyond the scope of expansion authorized in Section 6.d;
- b. The terms and conditions of membership on the Executive Board;
- c. Voting rights of Executive Board Members;
- d. Powers of the Executive Board;

- e. Principal contribution responsibilities inconsistent with Section 13.g;
- f. Hold harmless and indemnification requirements;
- g. Provisions regarding duration, termination or withdrawal; and
- h. The conditions of this Section.

This Section shall not be construed to require legislative authority consent for the addition of a new Principal or agreement to serve an additional Subscriber, or to expand or contract the services purchased by any Principal or Subscriber or offered by the Alliance as authorized in Section 6.d.

SECTION 19. TERMINATION OF AGREEMENT; DISSOLUTION OF ALLIANCE.

a. Generally. This Agreement may be terminated upon the approval of a Supermajority Vote of the Executive Board. The termination shall be by direction of the Executive Board to wind up business by a date specified by the Executive Board, which date shall be at least one (1) year following the date of the vote to terminate. Upon the final termination date, this Agreement shall be fully terminated.

b. Distribution of Property on Termination of Agreement. Upon termination of this Agreement, all property acquired during the life of the Agreement remaining in ownership of the Alliance shall be disposed of in the following manner:

- i. Real or Personal Property. All real or personal property purchased pursuant to this Agreement and all unexpended funds or reserve funds, net of all outstanding Alliance liabilities, shall be distributed to those Principals still participating in the Alliance on the day prior to the termination date and shall be apportioned between Principals based on the ratio that the average of each Principal's contributions to the operating budget over the preceding five (5) years bears to the total of all then remaining Principals' operating budget contributions paid during such five-year period. The Executive Board shall have the discretion to allocate the real or personal property and funds as it deems appropriate, and the apportionment, determined consistent with the preceding sentence, need not be exact.
- ii. Intellectual Property Rights. Principals and Subscribers shall retain the right after termination of the Alliance to their respective specific data then held by the Alliance or its vendors. Upon termination of the Alliance, each Principal will be provided a then-current version of software and data templates (absent any confidential data) for any and all Alliance Programs or Services so that each Principal may continue its non-exclusive use of such Program or Service. Any use or sale of such software or data templates by any Principal after termination of the Alliance shall not limit or otherwise

impact the rights of other Principals without their express consent. Notwithstanding the foregoing, the Executive Board may determine to sell intellectual property owned by the Alliance upon termination, in which case each Principal shall receive a share of the proceeds of sale consistent with the allocation described in subsection “i” above. Any such sale will not limit or otherwise impact the Principals’ rights to use the software and data templates provided after termination of the Alliance. The terms of this subsection shall survive expiration or termination of the Agreement.

- iii. Loaned Property. In the event of dissolution or termination of the Alliance, assigned or loaned assets shall be returned to the lending entity.
- iv. Allocation of Liabilities. In the event outstanding liabilities of the Alliance exceed the value of personal and real property and funds on hand, all Principals shall contribute to retirement of those liabilities in the same manner as which they would share in the distribution of properties and funds per subsection “i” above.

c. Notwithstanding the foregoing, the Agreement may not be terminated if to do so would abrogate or otherwise impair any outstanding obligations of the Alliance, unless provision is made for those obligations.

SECTION 20. DISPUTE RESOLUTION.

a. Whenever any dispute arises between a Principal or the Principals or between the Principals and the Alliance (referred to collectively in this Section as the “parties”) under this Agreement which is not resolved by routine meetings or communications, the parties agree to seek resolution of such dispute by the process described in this Section, which shall also be binding on Subscribers entering into new or amended contracts for service with the Alliance after the effective date of this Agreement. The terms of this provision shall not apply to disputes arising in connection with the implementation of Program Work Plans.

b. The parties shall seek in good faith to resolve any such dispute or concern by meeting, as soon as feasible. The meeting shall include the Chair of the Executive Board, the Executive Director, and a representative(s) of the Principal(s), if a Principal(s) is involved in the dispute, and/or a person designated by the Subscriber(s), if a Subscriber(s) is involved in the dispute.

c. If the parties do not come to an agreement on the dispute or concern, any party may request mediation through a process to be mutually agreed to in good faith between the parties within 30 days. The mediator(s) shall be mutually agreed upon and shall be skilled in

the legal and business aspects of the subject matter of this Agreement. The parties shall share equally the costs of mediation and assume their own costs.

SECTION 21. INSURANCE.

The Executive Board, Executive Director, and Operations Board shall take such steps as are reasonably practicable to minimize the liability of the Participants, including but not limited to the utilization of sound business practice. The Executive Board shall determine which, if any, insurance policies may be reasonably practicably acquired to cover the operations of the Alliance and the activities of the parties pursuant to this Agreement (which may include Directors and Officers, Commercial General Liability, Auto, Workers' Compensation, Stop Gap/ Employer's Liability, errors and omissions, crime/ fidelity insurance, CyberRisk), and shall direct the acquisition of same.

SECTION 22. INDEMNIFICATION AND HOLD HARMLESS.

a. Provisions regarding the "Fiscal Agent" in this section shall apply when a Principal is acting as Fiscal Agent. In the event the Fiscal Agent appointed by the Executive Board is not a Principal or government agency, the agreement between the Alliance and the Fiscal Agent shall establish the applicable indemnification and hold harmless provisions.

b. Each Principal shall indemnify and hold other Principals, their officers, officials, employees, agents and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees and costs ("Damages"), arising out of that Principal's acts or omissions in connection with the performance of its obligations under this Agreement, except to the extent the injuries or damages are caused by another Principal.

c. Each Principal shall indemnify and hold the Alliance and its officers, officials, employees and volunteers harmless from any and all Damages arising out of that Principal's acts or omissions in connection with the performance of its obligations under this Agreement, except to the extent the injuries and damages are caused by the Alliance.

d. As provided in its Articles of Incorporation, the Alliance shall indemnify and hold each Principal its officers, officials, employees and volunteers harmless from any and all Damages arising out of the Alliance's acts or omissions in connection with the performance of its obligations under this Agreement, except to the extent the injuries and damages are caused by any Principal.

e. Subscribers entering into new or amended service contracts with the Alliance after the effective date of this Agreement shall be required to agree to indemnify and hold each Principal and the Alliance and the Fiscal Agent, their officers, officials, employees and

volunteers harmless from any and all Damages arising out of the Subscriber's acts or omissions in connection with its use of the Alliance Programs and Services.

f. Further, the Alliance and each Principal shall indemnify, and hold the Fiscal Agent harmless from any and all Damages arising out of that Principal's or the Alliance's acts or omissions in connection with the performance of their respective obligations under this Agreement, except to the extent the injuries and damages are caused by the Fiscal Agent.

g. Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of a party hereto and the Alliance, its officers, officials, employees, and volunteers, the party's liability hereunder shall be only to the extent of the party's negligence. It is further specifically and expressly understood that the indemnification provided in this Section constitutes each party's waiver of immunity under Industrial Insurance Title 51 RCW, solely for the purpose of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

h. Each party shall give the other parties proper notice as provided in Section 24, of any claim or suit coming within the purview of these indemnities. Termination of this Agreement, a Principal's withdrawal from the Alliance, or a Principal's conversion to Subscriber status (collectively for purposes of this subparagraph "Termination"), shall not affect the continuing obligations of each of the parties as indemnitors hereunder with respect to those indemnities and which shall have occurred prior to such Termination.

SECTION 23. INTERGOVERNMENTAL COOPERATION.

The Alliance shall cooperate with local, state and federal governmental agencies in order to maximize the utilization of any grant funds for equipment and operations and to enhance the effectiveness of the Alliance's operations and minimize costs of service delivery.

SECTION 24. NOTICE.

Notices required to be given to the Alliance under the terms of this Agreement shall be directed to the following unless all Principals are otherwise notified in writing:

Chair, Alliance Executive Board
c/o his/her Principal agency's address

Notices to Principals or Subscribers, Board Members or Representatives required hereunder may be given by mail, overnight delivery, facsimile or email (with confirmation of transmission),

telegram, or personal delivery. Each Principal shall provide the Chair of the Alliance Executive Board written notice of the address for providing notice to said Principal. Any Principal wishing to change its mail or email address shall promptly notify the Chair of the Executive Board. Notice or other written communication shall be deemed to be delivered at the time when the same is postmarked in the mail or overnight delivery services, sent by facsimile or email (with confirmation of transmission), sent by telegram, or received by personal delivery.

SECTION 25. VENUE.

The venue for any action related to this Agreement shall be in the Superior Court in and for King County, Washington at Seattle, or if applicable, in Federal District Court, Western District of Washington.

SECTION 26. FILING.

As provided by RCW 39.34.040, this Agreement shall be filed prior to its entry in force with the King County Department of Executive Services Division of Records and Licensing Services, or its successor, Records and Elections, or, alternatively, listed by subject on a Principal's web site or other electronically retrievable public source.

SECTION 27. NO THIRD PARTY BENEFICIARIES.

There are no third-party beneficiaries to this Agreement. No person or entity other than a party to this Agreement shall have any rights hereunder or any authority to enforce its provisions, and any such rights or enforcement must be consistent with and subject to the terms of this Agreement.

SECTION 28. SEVERABILITY.

The invalidity or any clause, sentence, paragraph, subdivision, section or portion of this agreement shall not affect the validity of the remainder of the Agreement.

SECTION 29. RATIFICATION.

All prior acts taken by the Principals and the Alliance consistent with this Agreement are hereby ratified and confirmed.

SECTION 30. EXECUTION, COUNTERPARTS AND EFFECTIVE DATE.

This Agreement and any amendments thereto, shall be executed on behalf of each Principal by its duly authorized representative and pursuant to an appropriate motion, resolution or ordinance. This Agreement may be executed in any number of counterparts, each of which shall be an original, but those counterparts will constitute one and the same instrument. This Agreement shall be deemed adopted and effective as of March 1, 2014, subject to: (1) approval by the legislative bodies of Principals representing not less than 88% of the Weighted Votes of the Executive Board as of January 1, 2014; (2) withdrawal from the Original Agreement prior to March 1, 2014, by any city party to the Original Agreement declining to approve this Agreement, and (3) prior filing of the Agreement as required by Section 26.

IN WITNESS WHEREOF, this Agreement has been executed by each party on the dates set forth below.

CITY OF BELLEVUE

City Manager

Date: _____

Approved as to form
City Attorney

CITY OF ISSAQUAH

Mayor

Date: _____

Approved as to form
City Attorney

CITY OF BOTHELL

City Manager

Date: _____

Approved as to form
City Attorney

CITY OF KENMORE

City Manager

Date: _____

Approved as to form
City Attorney

CITY OF KIRKLAND

City Manager

Date: _____

Approved as to form
City Attorney

CITY OF SAMMAMISH

City Manager

Date: _____

Approved as to form
City Attorney

CITY OF WOODINVILLE

City Manager

Date: _____

Approved as to form
City Attorney

CITY OF MERCER ISLAND

City Manager

Date: _____

Approved as to form
City Attorney

CITY OF SNOQUALMIE

Mayor

Date: _____

Approved as to form
City Attorney

Exhibit A

Current Scope of Alliance Programs and Services

As of the date of this Agreement, the Alliance offers the following Programs and Services for subscription by Principals and Subscribers:

MyBuildingPermit.com: Provides one-stop online development service applications, inspection scheduling, permit status information, and tip sheets for government agencies in the Puget Sound region. Services include online over-the-counter and plan review applications including building, clearing & grading, electrical, fire, land use, mechanical, plumbing, right-of-way, sign, utilities; construction tip sheets & checklists; online permit status & history; and online inspection scheduling.

MyParksandRecreation.com: A single online location for searching the region for parks, trails and facilities provided by participating City Principals and Subscribers. Includes search capabilities for parks, trails and facilities; find recreation classes and activities; online registration; and contact and sign-up information.

NWMaps.net: Gives access to map-based information quickly and visually. Provides information about where users live, might open a business, or spend leisure/recreational time. Includes interactive mapping tool; property and community information; public facilities, schools, parks, trails; and community demographic and zoning information.

NWProperty.net: Provides a comprehensive listing of commercial property for sale and lease, demographic reports, and public data. Includes the ability to find available commercial property; interactive mapping tool; business demographics; city-wide demographics; and property data and more.

SharedProcurementPortal.com: A regional website that consolidates procurement services, making it easy for government and businesses to work together. The shared procurement portal offers features including: business opportunities from the Alliance members posted to a consolidated board where vendors can view and respond; automatic email or fax notifications of the business opportunities by categories/commodities; ability to electronically submit bids or proposals to member agencies; vendor registration with multiple users, contacts, attachments, and applications; and the ability to receive award results/postings electronically.

GovJobsToday.com: Allows job-seekers to view and apply for public sector jobs, in the Puget Sound region, at one convenient location. Includes online job applications; regional government job listings; online review and screening; secure, on-line application status, and compensation and classification data.

ARTICLES OF INCORPORATION

OF

eCITYGOV ALLIANCE

The undersigned, in order to form a not for profit corporation under Chapter 24.06 of the Revised Code of Washington (“RCW”), and pursuant to Chapter 39.34 RCW, hereby sign and deliver the following Articles of Incorporation:

ARTICLE I — NAME

The name of this corporation is:

eCITYGOV ALLIANCE

ARTICLE II — DURATION

The period of duration of the eCITYGOV Alliance (the “ALLIANCE”) is perpetual.

ARTICLE III — PURPOSES

ALLIANCE is organized on behalf of and as an instrumentality of its governmental members to carry out certain exclusively governmental activities and the purposes of the Amended and Restated Interlocal Agreement Establishing eCityGov Alliance (the “Interlocal Agreement”) pursuant to the Interlocal Cooperation Act, Chapter 39.34 RCW. These purposes include developing, owning, operating and managing and maintaining online public service programs and services as further described in the Interlocal Agreement.

ARTICLE IV — PROHIBITED ACTIVITY

Notwithstanding any of the provisions of these Articles of Incorporation, the ALLIANCE shall not conduct or carry on activities not permitted to be conducted or carried on by an organization exempt from federal income tax under Sections 115 of the Internal Revenue Code or by an organization, contributions to which are deductible under Section 170(c)(2). No part of the net earnings of the ALLIANCE shall inure to the benefit of any director, officer or private individual. No substantial part of the activities of the ALLIANCE shall be devoted to the carrying on of propaganda, or otherwise attempting to influence legislation except as may be permitted by the Internal Revenue Code, and the ALLIANCE shall not participate in, or intervene in (including the publication or distribution of statements regarding) any political campaign on behalf of or in opposition to any candidate for public office. The ALLIANCE shall not have or issue shares of

stock, shall not make any disbursement of income to its directors or officers, and shall not make loans to its officers or directors.

ARTICLE V — POWERS

In general, and subject to such limitations and conditions as are or may be prescribed by law, or in these Articles of Incorporation or in the ALLIANCE’S Bylaws or in the Interlocal Agreement, the ALLIANCE shall have all powers which now or hereafter are conferred under Chapters 24.06 and 39.34 RCW and other applicable law upon a corporation organized for the purposes set forth above, or are necessary or incidental to the powers so conferred, or are conducive to the attainment of the ALLIANCE’s purposes.

ARTICLE VI — MEMBERS

Each Member of ALLIANCE must be a municipal corporation formed and existing under the laws of the state of Washington and meeting the other requirements described in the Interlocal Agreement. As used in these Articles, the term “Members” means “Principals” as defined in the Interlocal Agreement. The rights and responsibilities of the Members/Principals and the manner of their election, appointment, or admission to membership and termination of membership shall be as provided for in the Interlocal Agreement. The ALLIANCE shall have one class of Members/Principals, except that each Member/Principal may be treated as a separate class for calculating votes as provided for in the Interlocal Agreement.

ARTICLE VII — DISTRIBUTIONS UPON DISSOLUTION

No director, trustee or officer of the ALLIANCE, nor any private individual, shall be entitled to share in the distribution of any of the corporate assets upon dissolution of the ALLIANCE or the winding up of its affairs. Upon dissolution of the ALLIANCE, after paying, satisfying, and discharging, or making adequate provision therefor, of all liabilities and obligations of the ALLIANCE, and after returning, transferring, or conveying assets held by the ALLIANCE requiring return, transfer, or conveyance on condition of the dissolution, all remaining assets of the ALLIANCE shall be distributed by the Executive Board as provided for in the Interlocal Agreement.

ARTICLE VIII — DISSENTING MEMBERS

“Dissenting members,” as that term is used in RCW 24.06.245 through 255, will be entitled to the rights and allocation of assets set forth in the Interlocal Agreement, but may be limited to “a return of less than the fair value” of their membership as that term is used in RCW 24.06.255.

ARTICLE IX — BYLAWS

Provisions for the regulation of the internal affairs of the ALLIANCE shall be set forth in the Bylaws of the ALLIANCE.

ARTICLE X — REGISTERED AGENT

The address of the initial registered office of the ALLIANCE is eCityGov Alliance, c/o City of Bellevue 450 100th Avenue, Bellevue WA 98004. The name and address of its initial registered agent is the City Clerk (or his/her designee), City of Bellevue, 450 110th Avenue N.E., Bellevue, WA 98004.

ARTICLE XI — DIRECTORS

The initial board of directors (referred to in the Interlocal Agreement as the “Executive Board”) shall consist of nine (9) directors. The names and addresses of the persons who are to serve as initial directors are:

Brad Miyake, Interim City Manager
City of Bellevue
450 110th Avenue N.E.
Bellevue, WA 98004

Bob Stowe, City Manager
City of Bothell
18304 101st Avenue N.E.
Bothell, WA 98011

Bob Harrison, City Administrator
City of Issaquah
130 E. Sunset Way
Issaquah, WA 98027

Nancy Ousley, Assistant City Manager
City of Kenmore
18120 68th Ave. N.E.
Kenmore, WA 98028

Kurt Triplett, City Manager
City of Kirkland
123 Fifth Avenue
Kirkland, WA 98033-6189

Noel Treat, City Manager

City of Mercer Island
9611 S.E. 36th St.
Mercer Island, WA 98040

Lyman Howard, Deputy City Manager
City of Sammamish
801 228th Avenue. S.E.
Sammamish, WA 98075

Bob Larson, City Administrator
City of Snoqualmie
38624 S.E. River St.
Snoqualmie, WA 98065

Alexandra Sheeks, Assistant to the City Manager
City of Woodinville
17301 133rd Ave. N.E.
Woodinville, WA 98072

Directors may be removed as provided for in the Bylaws.

ARTICLE XII -- OFFICERS

The ALLIANCE shall have four officers, a President, Vice-President, Secretary and Treasurer. The President and Vice-President are referred to as the “Chair” and “Vice-Chair” respectively, in the Interlocal Agreement. The responsibilities of the officers shall be described in the ALLIANCE Bylaws.

ARTICLE XIII — INCORPORATORS

The names and addresses of the incorporators are:

1. City of Bellevue
450 110th Avenue N.E.
Bellevue, WA 98004
2. City of Bothell
18304 101st Avenue N.E.
Bothell, WA 98011
3. City of Issaquah
130 E. Sunset Way

Issaquah, WA 98027

4. City of Kenmore
18120 68th Ave. N.E.
Kenmore, WA 98028
5. City of Kirkland
123 Fifth Avenue
Kirkland, WA 98033-6189
6. City of Mercer Island
9611 S.E. 36th St.
Mercer Island, WA 98040
7. City of Sammamish
801 228th Avenue. S.E.
Sammamish, WA 98075
8. City of Snoqualmie
38624 S.E. River St.
Snoqualmie, WA 98065
9. City of Woodinville
17301 133rd Ave. N.E.
Woodinville, WA 98072

ARTICLE XIV — LIMITATION OF DIRECTOR LIABILITY

Except to the extent otherwise required by applicable law (as it exists on the date of the adoption of this Article or may be amended from time to time), a director of the ALLIANCE (a director is referred to as a “Member of the Executive Board” in the Interlocal Agreement) shall not be personally liable to the ALLIANCE for monetary damages for conduct as a director, except for liability of the director (i) for acts or omissions which involve intentional misconduct by the director or a knowing violation of law by the director, (ii) for any transaction from which the director will personally receive a benefit in money, property or services to which the director is not legally entitled, or (iii) for any act or omission occurring before the date when this provision becomes effective.

If the Washington Nonprofit Miscellaneous and Mutual Corporation Act (the “Act”) is hereafter amended to expand or increase the power of the ALLIANCE to eliminate or limit the personal liability of directors, then, without any further requirement of action by the directors of the ALLIANCE, the liability of a director shall be eliminated or limited to the full extent permitted by the Act. No amendment to or repeal of this Article shall adversely affect any right of protection of any director of the ALLIANCE occurring after the date of the adoption of this Article and prior to such amendment or repeal.

ARTICLE XV — INDEMNIFICATION

Except as provided in Article XIV, the ALLIANCE shall indemnify any director and officer of the ALLIANCE who is involved in any capacity in a proceeding (as defined in RCW 23B.08.500, as presently in effect and as hereafter amended) by reason of the position held by such person or entity in the ALLIANCE to the full extent allowed by law, as presently in effect and as hereafter amended. By means of a resolution or of a contract specifically approved by the Board of Directors (referred to as the “Executive Board” in the Interlocal Agreement), the ALLIANCE may also indemnify an employee, or agent to such degree as the Board of Directors determines to be reasonable, appropriate, and consistent with applicable law and to be in the best interests of the ALLIANCE. Reasonable expenses incurred by a director or officer who is involved in any capacity in a proceeding by reason of the position held in the ALLIANCE, shall be advanced by the ALLIANCE to the full extent allowed by and on the conditions required by applicable law, as presently in effect and as hereafter amended.

The Board of Directors of the ALLIANCE shall have the right to designate the counsel who shall defend any person or entity who may be entitled to indemnification, to approve any settlement, and to approve in advance any expense. The rights conferred by or pursuant to this Article shall not be exclusive of any other rights that any person may have or acquire under any applicable law (as presently in effect and as hereafter amended), these Articles of Incorporation, the bylaws of the ALLIANCE, a vote of the Board of Directors of the ALLIANCE, or otherwise. No amendment to or repeal of this Article shall adversely affect any right of any director, officer, employee, or agent for events occurring after the date of the adoption of this Article and prior to such amendment or repeal.

The ALLIANCE shall also indemnify and hold harmless every Member/Principal, including, but not limited to that Member’s/Principal’s officers, directors, employees and agents from all claims, injuries, damages, losses or suits, including reasonable attorney fees and costs which arise out of acts and/or omissions of the ALLIANCE. To such degree as the board of directors/Executive Board determines to be reasonable, appropriate, and consistent with applicable law and to be in the best interests of the ALLIANCE, the ALLIANCE may also indemnify and hold harmless Subscribers, including, but not limited to that Subscriber’s officers, directors, employees and agents from all claims, injuries damages, losses or suits, including reasonable attorney fees which arise out of acts and/or omissions of the ALLIANCE.

Nothing in these Articles of Incorporation may be interpreted as a waiver of sovereign immunity by any member.

Indemnification of directors and officers by the ALLIANCE shall be consistent with the terms of the Interlocal Agreement, the Act, the Interlocal Cooperation Act and other applicable law. In the event of any inconsistency between this Article and the Interlocal Agreement, the terms of the Interlocal Agreement shall control to the extent consistent with applicable law.

Notwithstanding any other provision of this Article, no indemnification shall be provided to any person if in the reasonable opinion of competent counsel, payment of such indemnification would cause the ALLIANCE to lose its exemption from federal income taxation.

DATED as of this 1st day of March, 2014.

INCORPORATORS:

INCORPORATOR: City of Bellevue

INCORPORATOR: City of Bothell

By: Brad Miyake, Interim City Manager

By: Bob Stowe, City Manager

INCORPORATOR: City Issaquah

INCORPORATOR: City of Kenmore

By: Fred Butler, Mayor

By: Rob Karlinsey City Manager

INCORPORATOR: City of Kirkland

INCORPORATOR: City of Mercer Island

By: Kurt Triplett, City Manager

By: Noel Treat, City Manager

INCORPORATOR: City of Sammamish

INCORPORATOR: City of Snoqualmie

By: Ben Yazici, City Manager

By: Matthew R. Larson, Mayor

INCORPORATOR: City of Woodinville

By: Bob Leahy, City Manager



BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND, WA

AB 4926
February 24, 2014
Public Hearing

COVAL CLOSED RECORD PUBLIC HEARING FOR A PROPOSED EIGHTEEN LOT LONG PLAT (SUB13-009 AND SEP13-031)

Proposed Council Action:

Conduct closed record public hearing and make decision regarding preliminary long plat approval.

DEPARTMENT OF

Development Services Group (Shana Crick)

COUNCIL LIAISON

n/a

EXHIBITS

1. Planning Commission Findings of Fact and Conclusions (including Exhibits 1 - 160 listed in the Planning Commission's Findings)

APPROVED BY CITY MANAGER

AMOUNT OF EXPENDITURE	\$	n/a
AMOUNT BUDGETED	\$	n/a
APPROPRIATION REQUIRED	\$	n/a

SUMMARY

BACKGROUND

The Coval Long Plat proposes to create eighteen residential building lots from one existing parcel. This is located at 3051 84th Ave SE (King County Tax Parcel No. 122404-9010) and currently contains one existing single family house, an attached garage and pool house, a detached garage, and associated appurtenances. The existing parcel is 221,975 square foot (5.1 acres) with an average existing slope of approximately 13%, sloping down from the western lot boundary to the eastern property line. The proposed eighteen lot long plat would contain a private dead-end road, serving lots with areas ranging from 10,060 square feet to 12,112 square feet.

SUBDIVISION PROCESS

Subdivision is the process of dividing larger parcels of land into smaller parcels, or "lots." On Mercer Island, the subdivision of land is regulated by Chapter 19.08 of the Mercer Island City Code (MICC) and Chapter 58.17 of the Revised Code of Washington (RCW). Under the MICC, division of land into four or fewer lots is accomplished through the "short subdivision" process, which involves administrative decisions made by City staff based on the City Code. Division of land into five or more lots is called a "long subdivision". Long subdivision approval requires both preliminary and final plat approval by the City Council.

APPLICATION REVIEW AND NOTIFICATIONS

When an application for a long plat is received by the City, staff evaluates the application for completeness. Title 19 of the Mercer Island City Code specifies noticing requirements for the proposed long plat to execute once the application is deemed complete. For the Coval project, the relevant actions and dates are as follows:

Action Required by Code	Applicable Code(s) Requiring Action	Description of Action Taken	Date(s) of Action	Exhibit No.
Determination of Completeness	<u>Determination of Completeness</u> • MICC 19.15.020(C)	Long plat application determined to be complete	11/8/2013	N/A
Public Notice of Application and Open Record Hearing	<u>Notice of Application:</u> • MICC 19.08.020(E)(2)(a) • MICC 19.15.020(D)(1-7) <u>Public Notice:</u> • MICC 19.15.020(E) <u>Open Record Hearing:</u> • MICC 19.15.020(D)(3)	Sent to all property owners within 300 feet of the subject property, posted on the subject site, and published in the City Weekly Permit Bulletin*	11/18/2013	5
	<u>Notice of Application for a Long Subdivision:</u> • MICC 19.08.020(E)(2)(a)	Published at least 10 days prior to the public hearing in a newspaper of general circulation within the city	11/27/2013	5
	<u>Notice of Application:</u> • MICC 19.15.020(D)(2)(g)	23 day public comment period provided	11/18/2013 through 5:00 P.M. on 12/11/2013	5

SEPA PROCESS

Review of the plat is also required under the State Environmental Policy Act (SEPA) in RCW 43.21C. SEPA provides the framework for considering the environmental consequences of a proposal before taking action. It also gives agencies the ability to condition or deny a proposal due to identified likely significant adverse impacts. The following table provides an outline of the City's SEPA review process for Coval and relevant dates:

Action Required	Applicable Regulations Requiring Action	Description of Action Taken	Date(s) of Action	Exhibit No.
Determination of Completeness	<u>Determination of Completeness</u> • MICC 19.15.020(C)	SEPA application determined to be complete	11/8/2013	N/A
Mitigated Determination of Nonsignificance (MDNS) Likely (issued with Public Notice of Application and Open Record Hearing)*	<u>MDNS Likely:</u> • MICC 19.07.120(L) • MICC 19.15.010(E) • MICC 19.15.020(D)(1) • WAC 197-11-355	Sent to all property owners within 300 feet of the subject property, posted on the subject site, and published in the City Weekly Permit Bulletin*	11/18/2013	5
	<u>Notice of Application for a Long Subdivision:</u> • MICC 19.08.020(E)(2)(a)	Published at least 10 days prior to the public hearing in a newspaper of general circulation within the city	11/27/2013	5

	<u>MDNS Likely:</u> <ul style="list-style-type: none"> • MICC 19.15.010(E) • MICC 19.15.020(D)(1) • WAC 197-11-355 	23 day public comment period provided	11/18/2013 through 5:00 P.M. on 12/11/2013	5
Mitigated Determination of Nonsignificance (MDNS) Issued with Nine Mitigation Conditions	<u>MDNS:</u> <ul style="list-style-type: none"> • MICC 19.15.010(E) • WAC 197-11-350* • WAC 197-11-340(2)* 	Sent to all property owners within 300 feet of the subject property and published in the City Weekly Permit Bulletin	12/23/2013 <i>* SEPA review began under Optional DNS process (WAC 197-11-355). MDNS issued under WAC 197-11-340(2) to allow for an additional comment period.</i>	7
Mitigated Determination of Nonsignificance (MDNS) Additional Comment Period (Optional)*	<u>MDNS:</u> <ul style="list-style-type: none"> • WAC 197-11-340(2) • MICC 19.07.120(Q)(1) 	21 day optional public comment period provided	12/23/2013 through 5:00 P.M. on 1/13/2014 <i>*The applicant agreed to extend the second SEPA comment period from 14 to 21 days</i>	7
Mitigated Determination of Nonsignificance (MDNS) Appeal Period	<u>MDNS:</u> <ul style="list-style-type: none"> • MICC 19.07.120(T) • MICC 19.15.020(J) 	14 day appeal period provided per MICC	12/23/2013 through 5:00 P.M. on 1/6/2014	7

PLANNING COMMISSION PROCESS

After staff review and public comment as described above, the Planning Commission reviews the proposal at an open record hearing and makes a written recommendation to the City Council. At an open record hearing, the Planning Commission must review the proposed long subdivision for its conformance with MICC 19.08.030, the comprehensive plan, and other applicable development standards. No later than 14 days following its action, the Planning Commission must make a written recommendation on the long subdivision to the City Council. The written recommendation must contain findings of fact and conclusions. Upon receipt of the Planning Commission's recommendation, the City Council shall set the date for the public hearing where it will adopt or reject the Planning Commission's recommendations [MICC 19.08.020(F)(3)(c)].

On January 15, 2014, the City of Mercer Island Planning Commission conducted an open record public hearing. At this hearing, the Planning Commission heard testimony from staff, the applicant and 30 citizens. The Planning Commission continued the hearing until January 29, 2014 in order to consider new information submitted to the record. The record was closed at 5:00 PM on Wednesday, January 22, 2014. On January 29, 2014, the Planning Commission heard the rebuttal of the applicant and then questioned staff and the applicant. Then, the Planning Commission recommended preliminary approval of the Coval Long Plat. The Planning Commission's evaluation of compliance with City requirements and its recommendation are included as Exhibit 1.

Subdivision decisions are quasi-judicial and involve the legal rights of specific parties. As a result, quasi-judicial hearings are subject to strict procedural requirements and the appearance of fairness doctrine. The appearance of fairness doctrine requires quasi-judicial hearings to be procedurally fair and conducted by impartial decision-makers. Decisions made in quasi-judicial hearings must be based upon and supported by the record.

The public hearing in front of the City Council is a “closed record” hearing. “Only one open record hearing shall be required prior to action on all discretionary and legislative actions except design review and street vacations” [MICC 19.15.020(F)(1)]. **Because it is a closed record hearing, the City Council shall not accept new information--written or oral--on the application, but shall only consider the complete record developed before the Planning Commission, the recommendation of the Planning Commission and its conditions of approval.** The record includes written comments submitted during specified comment periods and the testimony of those who commented at the open record hearing.

The applicant suggested using the structure for an appeal hearing (instead of a closed record hearing) to guide the closed record hearing [MICC 19.15.020(J)(5)(c)]. Under this approach, “The total time allowed for oral argument on the appeal shall be equal for the appellants and the applicant (if not the appellants). If there are multiple parties on either side, they may allocate their time between themselves or designate a single spokesperson to represent the side...” [MICC 19.15.020(J)(5)(c)]. Therefore, during the closed record hearing, staff, the applicant, and the parties of record **will each have a total of 20 minutes** to address the proposal to the City Council. All comments must address the existing record, and all speakers must be designated as parties of record. One representative may speak for the entire 20 minutes, or the 20 minutes can be divided between multiple speakers. A list of all intended speakers was provided to Shana Crick on February 18, 2014 for distribution to the City Council.

** Please note, as the applicant suggested the process for the closed record public hearing, it is not precedent for any future long plats or similar applications.*

RECENT LEGAL DECISION

Although the City Council may attach additional conditions to the approval of a project, a recent U.S. Supreme Court case¹ significantly restricts the use of the conditions. Specifically, in *Koontz v. St. Johns River Water Management District*, the Court held that government cannot use conditions to compel landowners to give up land, money or any other property to obtain approval of the project unless there is an essential nexus and rough proportionality between the condition and the effects of the proposed land use. Conditions imposed without a direct correlation to the effects of the proposed project “impermissibly burden the applicant’s right not to have property taken without just compensation” in violation of the Takings Clause in the Fifth Amendment.

FINAL PLAT PROCESS

If the preliminary plat is approved by the City Council, the property owner has five years within which to obtain permits for and to build (or in some cases, bond) the required plat improvements (utilities, access roads, etc.), and to meet any other applicable code requirements or conditions of the preliminary plat approval. Once these requirements have been met, the property owner may apply to the City Council for “final plat” approval. A final plat must be approved if it meets the requirements of both the preliminary plat approval and all applicable regulations in place at the time of preliminary plat approval. Once approved, the final plat must be recorded with the county. Only after an approved final plat is recorded may the individual lots be sold or built upon. Any subsequent home construction must be consistent with both the City Code and any applicable plat conditions.

¹ *Koontz v. St. Johns River Water Management District*, 133 S. Ct. 2586 (2013).

RECOMMENDATION

Senior Planner

MOVE TO: Grant preliminary approval to the Coval Long Plat as detailed in the Planning Commission's recommended conditions of approval and authorize the Mayor to sign the Findings of Facts and Conclusions of Law (as presented in Exhibit 1 of AB 4926) on behalf of the City Council.



CITY OF MERCER ISLAND PLANNING COMMISSION FINDINGS OF FACT AND CONCLUSIONS

Project Numbers:	SUB13-009 and SEP13-031 – Coval Long Plat
Description:	A request for preliminary long plat approval to subdivide one existing parcel into eighteen building (18) lots. The proposed eighteen lot long plat would contain a The proposed 18 lot long plat would contain a private dead-end road, serving lots with areas ranging from 10,060 square feet to 12,112 square feet. The existing parcel has an area of 221,975 square foot (5.1 acres) with an average existing slope of approximately 13%. There is one existing single family house, an attached garage and pool house, a detached garage, and associated appurtenances on the site.
Applicant:	Wes Giesbrecht MI 84th Limited Partnership 15080 North Bluff Road White Rock, B.C. V4B 5C1
Owner:	Myer and Barbara Coval 3051 84th Avenue SE Mercer Island WA 98040
Site Address:	3051 84th Avenue SE, Mercer Island WA 98040; Identified by King County Assessor tax parcel number 122404-9010
Zoning District:	R-9.6
Planning Commission Recommendation:	Planning Commission recommends granting preliminary approval, subject to the recommended conditions of preliminary approval.
Staff Contact:	Shana Crick, Senior Planner
Exhibits:	<ol style="list-style-type: none">1. Preliminary Long Plat received by the City of Mercer Island Development Services Group on December 27, 2013, including:<ol style="list-style-type: none">1.1. Sheet CV-01 – Cover Sheet/Preliminary Plat Map prepared by Zane Nall, P.L.S. of Pacland1.2. Sheet SV-1 – Topographic Survey prepared by Zane Nall, P.L.S. of Pacland1.3. Sheet C-1.0 – Phase 1 Grading and Drainage Plan prepared by Scott Borgeson, P.E. of Pacland1.4. Sheet C-1.1 – Phase 2 Grading and Drainage Plan prepared by Scott Borgeson, P.E. of Pacland1.5. Sheet C-1.2 – Preliminary Road Profiles and Sections prepared by Scott Borgeson, P.E. of Pacland1.6. Sheet C-2.0 – Preliminary Utility Plan prepared by Scott Borgeson, P.E. of Pacland1.7. Sheet L-1.0 – Tree Assessment Plan prepared by Fred Glick of Fred Glick Design

- 1.8. Sheet L-2.0 – Phase 1 Tree Implementation Plan prepared by Fred Glick of Fred Glick Design
- 1.9. Sheet L-2.1 – Phase 2 Tree Implementation Plan prepared by Fred Glick of Fred Glick Design
2. Development Application received by the City of Mercer Island Development Services Group on July 30, 2013
3. Project narrative received by the City of Mercer Island Development Services Group on July 30, 2013
4. Neighborhood Map received by the City of Mercer Island Development Services Group on July 30, 2013
5. Public Notice of Application, Notice of Open Record Public Hearing, and Public Meeting issued by the City of Mercer Island on November 18, 2013
6. State Environmental Policy Act (SEPA) Checklist received by the City of Mercer Island Development Services Group on October 30, 2013
7. SEPA Mitigated Determination of Nonsignificance (MDNS) issued by the City of Mercer Island on December 23, 2013
8. Tree Inventory prepared by Favero Greenforest, M.S. of Greenforest, Inc. received by the City of Mercer Island Development Services Group on October 10, 2013
9. Supplemental Arborist Report prepared by Favero Greenforest, M.S. of Greenforest, Inc. received by the City of Mercer Island Development Services Group on October 10, 2013
10. Watercourse Review for the Coval Property on Mercer Island prepared by Larry Burnstad of Watershed Dynamics dated March 30, 2013
11. Coval Property – Peer Review of Critical Areas Study prepared by Nell Lund, P.W.S. of the Watershed Company and received by the City of Mercer Island Development Services Group on April 17, 2013
12. Wetland Review at the Coval Property prepared by Larry Burnstad of Watershed Dynamics and received by the City of Mercer Island Development Services Group on May 8, 2013
13. Critical Areas Review: Coval Property on Mercer Island prepared by Larry Burnstad of Watershed Dynamics and received by the City of Mercer Island Development Services Group on June 11, 2013
14. Coval Property – Follow up to Peer Review of Critical Area Study prepared by Nell Lund, P.W.S. of the Watershed Company and received by the City of Mercer Island Development Services Group on June 17, 2013
15. Letter from Shana Crick from the City of Mercer Island to Wes Giesbrecht dated June 18, 2013
16. Geotechnical report prepared by John Sadler, L.E.G., L.H.G. and Theodore Schepper, P.E. of Terra Associates, Inc. and received by the City of Mercer Island Development Services Group on July 30, 2013
17. Response to City of Mercer Island Review Comments prepared by John Sadler, L.E.G., L.H.G. and Theodore Schepper, P.E. of Terra Associates, Inc. and received by the City of Mercer Island Development Services Group on October 10, 2013
18. Second Response to City of Mercer Island Review Comments prepared by John Sadler, L.E.G., L.H.G. and Theodore Schepper, P.E. of Terra Associates, Inc. and received by the City of Mercer Island Development Services Group on October 30, 2013
19. Stormwater Site Plan prepared by Pacland and received by the City of Mercer Island Development Services Group on October 10, 2013
20. Trip Generation Memorandum prepared by Chris Forster, P.E. of

- Transportation Engineering Northwest received by the City of Mercer Island Development Services Group on November 7, 2013
21. Email from Patrick Yamashita to Scott Borgeson dated November 7, 2013
 22. Email from Herschel Rostov to Shana Crick dated August 15, 2013
 23. Email correspondence between Herschel Rostov and Scott Borgeson dated August 19, 2013
 24. Notice of Incompleteness for File No. SUB13-009 – Coval Long Subdivision issued by the City of Mercer Island on August 30, 2013
 25. Coval Long Plat Review Comments from Scott Borgeson to Shana Crick received by the City of Mercer Island Development Services Group on October 10, 2013
 26. Fire Hydrant Exhibit prepared by Pacland and received by the City of Mercer Island Development Services Group on October 10, 2013
 27. Second Notice of Incompleteness for File No. SUB13-009 – Coval Long Subdivision issued by the City of Mercer Island on October 22, 2013
 28. Email correspondence between Scott Borgeson and Patrick Yamashita dated October 23, 2013
 29. Comment email from Patrick Yamashita to Shana Crick dated October 30, 2013
 30. Response to Notice of Incompleteness Letter Dated October 22, 2013 from Scott Borgeson to Shana Crick received by the City of Mercer Island Development Services Group on October 30, 2013
 31. Tree Plan Comment Memorandum from Kathy Parker to Wes Giesbrecht dated October 30, 2013
 32. Response to Review Comments Dated October 30, 2013 from Scott Borgeson to Shana Crick received by the City of Mercer Island Development Services Group on December 27, 2013
 33. Stormwater Bypass Memo prepared by Scott Borgeson, P.E. of Pacland and received by the City of Mercer Island Development Services Group on December 27, 2013
 34. Comment email from Kathy Parker to Fred Glick dated December 31, 2013
 35. Comment email from Herschel Rostov to Shana Crick dated January 10, 2014
 36. Comment letter from Robert W. Thorpe, A.I.C.P. to the City of Mercer Island received by the Development Services Group on August 1, 2013
 37. Comment email and letter from Jane Kiker to the City of Mercer Island received by the Development Services Group on August 6, 2013
 38. Comment email from T.J. Stewart to the City of Mercer Island received by the Development Services Group on October 3, 2013
 39. Comment email from Sue Stewart to the City of Mercer Island received by the Development Services Group on October 4, 2013
 40. Comment email from Richard Ferse, M.D. to the City of Mercer Island received by the Development Services Group on October 15, 2013
 41. Comment letter from Toni Okada to the City of Mercer Island received by the Development Services Group on October 17, 2013
 42. Comment letter from Linda Chaves to the City of Mercer Island received by the Development Services Group on October 18, 2013
 43. Comment letter from Richard Ferse, M.D. to the City of Mercer Island received by the Development Services Group on October 18, 2013
 44. Comment letter from Richard Ferse, M.D. to the City of Mercer Island received by the Development Services Group on October 21, 2013

45. Comment email from Sue Stewart to the City of Mercer Island received by the Development Services Group on October 22, 2013
46. Comment letter from T.J. and Sue Stewart to the City of Mercer Island received by the Development Services Group on October 24, 2013
47. Comment email from T.J. Stewart to the City of Mercer Island received by the Development Services Group on October 24, 2013
48. Comment email and letter from J. Richard Aramburu to the City of Mercer Island received by the Development Services Group on November 7, 2013
49. Comment email from J. Richard Aramburu to the City of Mercer Island received by the Development Services Group on November 8, 2013
50. Email from Shana Crick to J. Richard Aramburu dated November 12, 2013
51. Comment letter from J. Richard Aramburu to the City of Mercer Island received by the Development Services Group on November 12, 2013
52. Comment email from J. Richard Aramburu to the City of Mercer Island received by the Development Services Group on November 14, 2013
53. Comment email and letter from J. Richard Aramburu to the City of Mercer Island received by the Development Services Group on November 19, 2013
54. Comment letter from Jay Derr to the City of Mercer Island received by the Development Services Group on November 22, 2013
55. Comment email from Edward Corker to the City of Mercer Island received by the Development Services Group on November 26, 2013
56. Comment email from Katharine Lamperti to the City of Mercer Island received by the Development Services Group on December 2, 2013
57. Comment email and letter from J. Richard Aramburu to the City of Mercer Island received by the Development Services Group on December 9, 2013
58. Comment email from Cheryl and William Frizzell to the City of Mercer Island received by the Development Services Group on December 9, 2013
59. Comment email from Lisa Zaidi, Ph.D. to the City of Mercer Island received by the Development Services Group on December 9, 2013
60. Comment email and letter from Robert W. Thorpe, A.I.C.P. to the City of Mercer Island received by the Development Services Group on December 10, 2013
61. Comment email and letter from Charles Cobbs, M.D. to the City of Mercer Island received by the Development Services Group on December 10, 2013
62. Comment letter from Beverly Bridge to the City of Mercer Island received by the Development Services Group on December 11, 2013
63. Comment letter from Justin Deng and Jaime Chang to the City of Mercer Island received by the Development Services Group on December 11, 2013
64. Comment email and letter from T.J. and Sue Stewart to the City of Mercer Island received by the Development Services Group on December 11, 2013
65. Comment email and letter from Dale Kingman to the City of Mercer Island received by the Development Services Group on December 11, 2013
66. Comment email and letter from Linda Chaves to the City of Mercer Island received by the Development Services Group on December 11, 2013
67. Comment email and letter from Richard and Deborah Ferse to the City of Mercer Island received by the Development Services Group on December 11, 2013
68. Comment email and letter from Jeanne McKnight, Ph.D. to the City of Mercer Island received by the Development Services Group on December 11, 2013
69. Comment email and letter from J. Richard Aramburu to the City of Mercer

- Island received by the Development Services Group on December 11, 2013
70. Comment email from Trevor Price to the City of Mercer Island received by the Development Services Group on December 11, 2013
71. Comment email from Sue Stewart to the City of Mercer Island received by the Development Services Group on December 14, 2013
72. Comment email and letter from Sue Stewart to the City of Mercer Island received by the Development Services Group on December 16, 2013
73. Emails and letter from Shana Crick to J. Richard Aramburu sent on December 17, 2013
74. Comment email and letter from J. Richard Aramburu to the City of Mercer Island received by the Development Services Group on December 27, 2013
75. Comment email from Sue and T.J. Stewart to the City of Mercer Island received by the Development Services Group on December 29, 2013
76. Comment email from Karen Walter to the City of Mercer Island received by the Development Services Group on December 30, 2013
77. Email from Carol Cohoe to the City of Mercer Island received by the Development Services Group on December 30, 2013
78. Comment email and letter from Robert W. Thorpe, A.I.C.P. to the City of Mercer Island received by the Development Services Group on December 30, 2013
79. Email from Shana Crick to J. Richard Aramburu, Sue Stewart, T.J. Stewart, and Robert Thorpe dated December 30, 2013
80. Comment email and letter from J. Richard Aramburu to the City of Mercer Island received by the Development Services Group on January 3, 2014
81. Email from T.J. Stewart to the City of Mercer Island received by the Development Services Group on January 4, 2014
82. Email from Shana Crick to T.J. Stewart dated January 8, 2014
83. Email from Shana Crick to J. Richard Aramburu dated January 9, 2014
84. Comment email and letter from Philip Wang to the City of Mercer Island received by the Development Services Group on January 12, 2014
85. Comment letter from J. Richard Aramburu to the City of Mercer Island received by the Development Services Group on January 13, 2014
86. Comment email from Christine Acker to the City of Mercer Island received by the Development Services Group on January 13, 2014
87. Comment email from Justin Deng to the City of Mercer Island received by the Development Services Group on January 13, 2014
88. Comment email and letter from J. Richard Aramburu to the City of Mercer Island received by the Development Services Group on January 13, 2014
89. Comment email from Chris Moore to the City of Mercer Island received by the Development Services Group on January 13, 2014
90. Comment letter from J. Richard Aramburu to the City of Mercer Island received by the Development Services Group on January 14, 2014
91. Email from Katie Knight to Bharat Shyam dated January 14, 2014
92. Email from Bharat Shyam to the City of Mercer Island received by the Development Services Group on January 14, 2014
93. Email from Katie Knight to Bharat Shyam dated January 14, 2014
94. Email from Bharat Shyam to the City of Mercer Island received by the Development Services Group on January 14, 2014
95. Email from Linda Brown to the City of Mercer Island received by the Development Services Group on January 14, 2014
96. Email from Sue Stewart to the City of Mercer Island received by the

- Development Services Group on January 14, 2014
97. Comment letter and email from J. Richard Aramburu to the City of Mercer Island received by the Development Services Group on January 14, 2014
 98. Email from Katie Knight to Sue Stewart dated January 14, 2014
 99. Email from Katie Knight to J. Richard Aramburu dated January 14, 2014
 100. Comment letter from Richard and Connie Del Missier to the City of Mercer Island received on January 15, 2014
 101. Coval Preliminary Plat SUB13-009 Response to Comments received by the City of Mercer Island on January 15, 2014
 102. Landscape Plan Concepts prepared by Fred Glick Design and received by the City of Mercer Island on January 15, 2014
 103. Public Comments by Mercer Island Friends for Responsible Neighborhood Development on the Proposed Plat for the Coval Property received by the City of Mercer Island on January 15, 2014
 104. "An overview of sensory effects on juvenile salmonids exposed to dissolved copper: Applying a benchmark concentration approach to evaluate sublethal neurobehavioral toxicity" by Scott A. Hecht, David H. Baldwin, Chris A. Mebane, Tony Hawkes, Sean J. Gross, and Nathaniel L. Scholz received by the City of Mercer Island on January 15, 2014
 105. Comment email from Bharat Shyam to the City of Mercer Island received by the Development Services Group on January 16, 2014
 106. Comment email from Hardie Cobbs to the City of Mercer Island received by the Development Services Group on January 16, 2014
 107. Comment email from Pei-Hwa Lin to the City of Mercer Island received by the Development Services Group on January 16, 2014
 108. Comment email from Liz Butowicz to the City of Mercer Island received by the Development Services Group on January 16, 2014
 109. Comment email from Janet Mead to the City of Mercer Island received by the Development Services Group on January 16, 2014
 110. Comment email from Carolyn Boatsman to the City of Mercer Island received by the Development Services Group on January 16, 2014
 111. Comment email from Brenda Sandmaier to the City of Mercer Island received by the Development Services Group on January 16, 2014
 112. Comment email from Philip Wang to the City of Mercer Island received by the Development Services Group on January 16, 2014
 113. Comment email from Werner Glass to the City of Mercer Island received by the Development Services Group on January 16, 2014
 114. Comment email from Marlene Lemon to the City of Mercer Island received by the Development Services Group on January 17, 2014
 115. Comment email from Alex Silverman to the City of Mercer Island received by the Development Services Group on January 19, 2014
 116. Comment email from Ian Moncaster to the City of Mercer Island received by the Development Services Group on January 19, 2014
 117. Comment email from Bharat Shyam to the City of Mercer Island received by the Development Services Group on January 20, 2014
 118. Comment email from Richard and Connie Del Missier to the City of Mercer Island received by the Development Services Group on January 20, 2014
 119. Comment email from Bharat Shyam to the City of Mercer Island received by the Development Services Group on January 20, 2014
 120. Comment email from Bob Hoff to the City of Mercer Island received by the Development Services Group on January 20, 2014

121. Comment email from Toni Okada to the City of Mercer Island received by the Development Services Group on January 20, 2014
122. Comment email from Rita Moore to the City of Mercer Island received by the Development Services Group on January 21, 2014
123. Comment email from Cameron Ackley to the City of Mercer Island received by the Development Services Group on January 21, 2014
124. Comment letter from Toni Okada to the City of Mercer Island received by the Development Services Group on January 21, 2014
125. Comment letter from Toni Okada to the City of Mercer Island received by the Development Services Group on January 21, 2014
126. Donahue Plat
127. Comment email from Nancy R. Lee to the City of Mercer Island received by the Development Services Group on January 21, 2014
128. Comment email from Dr. Arny Reich to the City of Mercer Island received by the Development Services Group on January 21, 2014
129. Comment email from Anita Reich to the City of Mercer Island received by the Development Services Group on January 21, 2014
130. Comment email from Dale Kingman to the City of Mercer Island received by the Development Services Group on January 21, 2014
131. Comment email from Jeanette and Paul Reese to the City of Mercer Island received by the Development Services Group on January 21, 2014
132. Comment email from Norma Ho to the City of Mercer Island received by the Development Services Group on January 21, 2014
133. Comment email from Sarah Ford to the City of Mercer Island received by the Development Services Group on January 21, 2014
134. Comment email from Marion Schwartz to the City of Mercer Island received by the Development Services Group on January 21, 2014
135. Comment email from Justin Deng and Jaime Chang to the City of Mercer Island received by the Development Services Group on January 22, 2014
136. Comment email from Andrea Danen to the City of Mercer Island received by the Development Services Group on January 22, 2014
137. Comment email from Richard Vacca to the City of Mercer Island received by the Development Services Group on January 22, 2014
138. Comment email from Jaqueline Tacher to the City of Mercer Island received by the Development Services Group on January 22, 2014
139. Comment email from Harman Wales to the City of Mercer Island received by the Development Services Group on January 22, 2014
140. Comment email from Beverly Greenberg to the City of Mercer Island received by the Development Services Group on January 22, 2014
141. Comment email from Richard and Deborah Ferse to the City of Mercer Island received by the Development Services Group on January 22, 2014
142. Comment email from Mr. and Mrs. William Donner to the City of Mercer Island received by the Development Services Group on January 22, 2014
143. Comment email from Diane and Albert Edmonds to the City of Mercer Island received by the Development Services Group on January 22, 2014
144. Traffic information provided by Patrick Yamashita, City Engineer, on January 22, 2014
145. Comment email from Robert Thorpe to the City of Mercer Island received by the Development Services Group on January 22, 2014
146. Comment email from Kim Ferse to the City of Mercer Island received by the Development Services Group on January 22, 2014

147. Comment email from Tim Stewart to the City of Mercer Island received by the Development Services Group on January 22, 2014
148. Comment email from Dr. Lisa Zaidi to the City of Mercer Island received by the Development Services Group on January 22, 2014
149. Comment email from Mike Grady to the City of Mercer Island received by the Development Services Group on January 22, 2014
150. Comment letter from L. Richard Aramburu to the City of Mercer Island received by the Development Services Group on January 22, 2014
151. Review of Stormwater Quantity Aspects of the Proposed Coval Development – Supplementary Comments prepared by K. Malcolm Leytham, P.E., Ph.D. received by the Development Services Group on January 22, 2014
152. Supplemental information from L. Richard Aramburu to the City of Mercer Island received by the Development Services Group on January 22, 2014
153. Comment email from James T. Lee to the City of Mercer Island received by the Development Services Group on January 22, 2014
154. Comment email from Nate and Tammy Luce to the City of Mercer Island received by the Development Services Group on January 22, 2014
155. Comment letter from Jay P. Derr to the City of Mercer Island received by the Development Services Group on January 22, 2014
156. Supplemental information from Jay P. Derr to the City of Mercer Island received by the Development Services Group on January 22, 2014
157. Public Notice of Planning Commission Special Meeting - Continuation of An Open Record Public Hearing
158. Memorandum from Patrick Yamashita, City Engineer, to Shana Crick, Senior Planner re: Coval Long Plat
159. Comment email from Katharine Lamperti to the City of Mercer Island received by the Development Services Group on January 16, 2014
160. Comment email from Sue Stewart to the City of Mercer Island received by the Development Services Group on January 22, 2014

I. SUMMARY

Subdivision is the process of dividing larger parcels of land into smaller parcels, or “lots.” On Mercer Island, the subdivision of land is regulated by Chapter 19.08 of the Mercer Island City Code (MICC), which implements requirements of state subdivision law found primarily at Chapter 58.17 of the Revised Code of Washington (RCW). Under the MICC, division of land into four or fewer lots is accomplished through the “long subdivision” process, which involves administrative decisions made by City staff based on the City Code. Division of land into five or more lots is called a “long subdivision” and is subject to a public hearing and recommendation by the Planning Commission followed by a final decision by the City Council.

Long subdivision approval is a two step process. First, the Planning Commission recommends and the City Council decides whether to approve a “preliminary plat” (which is a graphic and written representation of the proposed subdivision). If the preliminary plat is approved, the property owner has five years within which to obtain permits for and to build (or in some cases, bond) the required plat improvements (utilities, access roads, etc.), and to meet any other applicable code requirements or conditions of the preliminary plat approval. Once these requirements have been met, the property owner may apply to the City Council for “final plat” approval. A final plat must be approved if it meets the requirements of both the preliminary plat approval and all applicable regulations in place at the time of preliminary plat approval. Once approved, the final plat must be recorded with the county. Only after an approved final plat is recorded may the individual lots be sold or built upon. Any

subsequent home construction must be consistent with both the Mercer Island City Code and any applicable plat conditions.

The current proposal would divide the subject property into eighteen residential building lots. The following analysis evaluates the consistency of the proposed long subdivision with requirements of the Mercer Island City Code.

II. FINDINGS OF FACT

Mercer Island City Code (MICC) 19.08.030(A) through (F) provides the criteria for approval of a subdivision. MICC 19.16.010(S) includes long plats in the definition of a subdivision. The following is an analysis of the criteria for approval:

1. MICC 19.08.030(A) states the proposed subdivision shall comply with arterial, capital facility, and land use elements of the Comprehensive Plan; all other chapters of the development code; the Shoreline Management Act; and other applicable legislation.

A. *Proposed subdivisions shall comply with the arterial standards of the comprehensive plan:*

Planning Commission Analysis:

The arterial plan is contained within the Transportation Element of the Comprehensive Plan. The functional classifications of existing roads are provided within Figure 1 in the Transportation Element. The subject property gains access from 84th Avenue SE, which is not classified by the Comprehensive Plan as an arterial. Consequently, the arterial standards specified within the Comprehensive Plan do not apply to this project.

B. *Proposed subdivisions shall comply with the Capital Facility standards of the comprehensive plan:*

Planning Commission Analysis:

The Capital Facilities Element of the Mercer Island Comprehensive Plan provides the Capital Facility standards for the City. Figure 1 of the Capital Facilities Element shows current and future capital facilities. The subject property is not designated as either a current or future capital facility. Therefore, the Capital Facility standards within the Comprehensive Plan do not apply to the proposal.

C. *Proposed subdivisions shall comply with the Land Use Element of the comprehensive plan:*

Planning Commission Analysis:

Goal 8.2 of the Land Use Element, and goal 2.1 of the Housing Element of the city's Comprehensive Plan states "Through zoning and land use regulations provide adequate development capacity to accommodate Mercer Island's projected share of the King County population growth over the next 20 years." Additionally, the Land Use Element of the city's Comprehensive Plan identified the following issue outside the Town Center: "The community needs to accommodate two important planning values – maintaining the existing single family residential character of the Island, while at the same time absorbing a relatively small amount of population and housing growth."

Goal 8.5 of the Land Use Element details how the City should accommodate single family growth by stating that the City should "encourage infill development on vacant or under-utilized sites that are outside of critical areas and ensure that the infill is compatible with the surrounding neighborhood." The proposed long plat constitutes infill development that increases density on an under-utilized site. Exhibits 10 through 15 conclude that neither a watercourse nor wetland(s) are present on the subject property. While the proposal site does appear to contain steep slopes as well as other geohazard areas (seismic, erosion, and/or landslide hazards), MICC 19.07.060 makes provisions for alterations

within geohazard areas and on steep slopes. The applicant has submitted two geotechnical reports and a statement of risk (Exhibits 16 – 18) to guide development of the portions of the site that qualify as geohazard areas.

The existing zoning and Comprehensive Plan designation of the property described in the application is Single Family Residential R-9.6 (9,600 square foot minimum lot size). The proposed and current use of this property is single-family residential (Exhibit 1), which is a permitted use in the R-9.6 zone and consistent with adopted Comprehensive Plan land use element. The proposal results in a density of 3.53 units per acre (18 units / 5.1 acres = 3.26 units/acre), which is consistent with the surrounding development. For comparison, the R-9.6 zone allows for a density of 4.54 units per acre (43,560 square feet / 9,600 square feet = 4.54 units/acre). The proposed density and use is consistent with the allowed density for the zone and the Comprehensive Plan.

D. Proposed subdivisions shall comply with all other chapters of the development code.

Planning Commission Analysis:

An evaluation for consistency with other applicable chapters of the development code (MICC Title 19) is included below:

- i. Title 19 of the Mercer Island City Code specifies noticing requirements for the proposed long plat. The following matrix details the noticing timeline and code requirements for the proposed long plat and SEPA review applications:

Action Required by Code	Applicable Code(s) Requiring Action	Description of Action Taken	Date(s) of Action	Exhibit No.
Determination of Completeness	<u>Determination of Completeness</u> • MICC 19.15.020(C)	Long plat and SEPA applications determined to be complete	11/8/2013	N/A
Public Notice of Application, Open Record Hearing, and Mitigated Determination of Nonsignificance (MDNS) Likely*	<u>Notice of Application:</u> • MICC 19.08.020(E)(2)(a) • MICC 19.15.020(D)(1-7) <u>Public Notice:</u> • MICC 19.15.020(E) <u>Open Record Hearing:</u> • MICC 19.15.020(D)(3) <u>MDNS Likely:</u> • MICC 19.07.120(L) • MICC 19.15.010(E) • MICC 19.15.020(D)(1) • WAC 197-11-355	Sent to all property owners within 300 feet of the subject property, posted on the subject site, and published in the City Weekly Permit Bulletin*	11/18/2013	5
	<u>Notice of Application for a Long Subdivision:</u> • MICC 19.08.020(E)(2)(a)	Published at least 10 days prior to the public hearing in a newspaper of general circulation within the city	11/27/2013	5

	<u>Notice of Application:</u> <ul style="list-style-type: none"> • MICC 19.15.020(D)(2)(g) <u>MDNS Likely:</u> <ul style="list-style-type: none"> • MICC 19.15.010(E) • MICC 19.15.020(D)(1) • WAC 197-11-355 	23 day public comment period provided	11/18/2013 through 5:00 P.M. on 12/11/2013	5
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- ii. Written comments were provided to the City by the following parties during the public comment periods, which ran from November 18, 2013 to 5:00 P.M. on December 11, 2013 and December 23, 2013 through 5:00 P.M. on January 13, 2014:

Exhibit Number	Party/Parties of Record	Address	Date Received
53	J. Richard Aramburu	Aramburu & Eustis, L.L.P. 720 Third Avenue Pacific Building, Ste. Suite 2000 Seattle, WA 98104	November 19, 2013
54	Jay Derr	Van Ness Feldman, L.L.P. 719 Second Avenue, Suite 1150 Seattle, Washington 98104	November 22, 2013
55	Edward Corker	6614 109th Place SE Newcastle, WA 98056	November 26, 2013
56	Katharine Lamperti	8320 SE 30th Place Mercer Island, WA 98040	December 2, 2013
57	J. Richard Aramburu	Aramburu & Eustis, L.L.P. 720 Third Avenue Pacific Building, Ste. Suite 2000 Seattle, WA 98104	December 9, 2013
58	Cheryl and William Frizzell	8375 SE 30th Place Mercer Island, WA 98040	December 9, 2013
59	Lisa Zaidi, Ph.D.	8421 SE 30th Street Mercer Island, WA 98040	December 9, 2013
60	Robert W. Thorpe, A.I.C.P.	R.W. Thorpe & Associates 2737 78th Avenue SE, Suite 100 Mercer Island, WA 98040	December 10, 2013
61	Charles Cobbs, M.D.	8225 SE 30th Place Mercer Island, WA 98040	December 10, 2013
62	Beverly Bridge	8400 SE 34th Place Mercer Island, WA 98040	December 11, 2013
63	Justin Deng and Jaime Chang	3219 84th Avenue SE Mercer Island, WA 98040	December 11, 2013
64	T.J. and Sue Stewart	3205 84th Avenue SE Mercer Island, WA 98040	December 11, 2013
65	Dale Kingman	3215 84th Avenue SE Mercer Island, WA 98040	December 11, 2013
66	Linda Chaves	8265 SE 30th Place Mercer Island, WA 98040	December 11, 2013
67	Richard and Deborah Ferse	3203 84th Avenue SE Mercer Island, WA 98040	December 11, 2013
68	Jeanne McKnight, Ph.D.	6681 East Mercer Way	December 11, 2013

		Mercer Island, WA 98040	
73	J. Richard Aramburu	Aramburu & Eustis, L.L.P. 720 Third Avenue Pacific Building, Ste. Suite 2000 Seattle, WA 98104	December 11, 2013
74	J. Richard Aramburu	Aramburu & Eustis, L.L.P. 720 Third Avenue Pacific Building, Ste. Suite 2000 Seattle, WA 98104	December 27, 2013
75	T.J. and Sue Stewart	3205 84th Avenue SE Mercer Island, WA 98040	December 29, 2013
77	Karen Walter	Muckleshoot Indian Tribe Fisheries Division Habitat Program 39015 172nd Avenue SE Auburn, WA 98092	December 30, 2013
79	Robert W. Thorpe, A.I.C.P.	R.W. Thorpe & Associates 2737 78th Avenue SE, Suite 100 Mercer Island, WA 98040	December 30, 2013
80	J. Richard Aramburu	Aramburu & Eustis, L.L.P. 720 Third Avenue Pacific Building, Ste. Suite 2000 Seattle, WA 98104	January 3, 2014
81	T.J. and Sue Stewart	3205 84th Avenue SE Mercer Island, WA 98040	January 4, 2014
82	T.J. and Sue Stewart	3205 84th Avenue SE Mercer Island, WA 98040	January 8, 2014
84	Philip Wang	8230 SE 30th Street Mercer Island, WA 98040	January 12, 2014
85	J. Richard Aramburu	Aramburu & Eustis, L.L.P. 720 Third Avenue Pacific Building, Ste. Suite 2000 Seattle, WA 98104	January 13, 2014
86	Christine Acker	Not provided	January 13, 2014
87	Justin Deng	3219 84th Avenue SE Mercer Island, WA 98040	January 13, 2014
88	J. Richard Aramburu	Aramburu & Eustis, L.L.P. 720 Third Avenue Pacific Building, Ste. Suite 2000 Seattle, WA 98104	January 13, 2014
89	Chris Moore	Stimson-Green Mansion 1204 Minor Avenue Seattle, WA 98101	January 13, 2014

- iii. Additional comments were provided to the City by the following parties outside of the specified public comment periods, which ran from November 18, 2013 to 5:00 P.M. on December 11, 2013 and December 23, 2013 through 5:00 P.M. on January 13, 2014:

Exhibit Number	Person(s) Submitting Comments	Address	Date Received
36	Robert W. Thorpe, A.I.C.P.	R.W. Thorpe & Associates 2737 78th Avenue SE, Suite 100	August 1, 2013

37	Jane Kiker	Mercer Island, WA 98040 Eglick Kiker Whited, P.L.L.C. 1000 Second Avenue, Suite 3130 Seattle, WA 98104	August 6, 2013
38	T.J. Stewart	3205 84th Avenue SE Mercer Island, WA 98040	October 3, 2013
39	Sue Stewart	3205 84th Avenue SE Mercer Island, WA 98040	October 4, 2013
40	Richard Ferse, M.D	3203 84th Avenue SE Mercer Island, WA 98040	October 15, 2013
41	Toni Okada	2909 84th Avenue SE Mercer Island, WA 98040	October 17, 2013
42	Linda Chaves	8265 SE 30th Place Mercer Island, WA 98040	October 18, 2013
43	Richard Ferse, M.D	3203 84th Avenue SE Mercer Island, WA 98040	October 18, 2013
44	Richard Ferse, M.D	3203 84th Avenue SE Mercer Island, WA 98040	October 21, 2013
45	Sue Stewart	3205 84th Avenue SE Mercer Island, WA 98040	October 22, 2013
46	T.J. and Sue Stewart	3205 84th Avenue SE Mercer Island, WA 98040	October 24, 2013
47	T.J. Stewart	3205 84th Avenue SE Mercer Island, WA 98040	October 24, 2013
48	J. Richard Aramburu	Aramburu & Eustis, L.L.P. 720 Third Avenue Pacific Building, Ste. Suite 2000 Seattle, WA 98104	November 7, 2013
50	J. Richard Aramburu	Aramburu & Eustis, L.L.P. 720 Third Avenue Pacific Building, Ste. Suite 2000 Seattle, WA 98104	November 8, 2013
51	J. Richard Aramburu	Aramburu & Eustis, L.L.P. 720 Third Avenue Pacific Building, Ste. Suite 2000 Seattle, WA 98104	November 12, 2013
52	J. Richard Aramburu	Aramburu & Eustis, L.L.P. 720 Third Avenue Pacific Building, Ste. Suite 2000 Seattle, WA 98104	November 14, 2013
90	J. Richard Aramburu	Aramburu & Eustis, L.L.P. 720 Third Avenue Pacific Building, Ste. Suite 2000 Seattle, WA 98104	January 14, 2014
92	Bharat Shyam	8405 SE 34th Place Mercer Island, WA 98040	January 14, 2014
94	Bharat Shyam	8405 SE 34th Place Mercer Island, WA 98040	January 14, 2014
95	Linda Brown	Van Ness Feldman, L.L.P. 719 Second Avenue, Suite 1150 Seattle, Washington 98104	January 14, 2014
96	Sue Stewart	3205 84th Avenue SE Mercer Island, WA 98040	January 14, 2014

97	J. Richard Aramburu	Aramburu & Eustis, L.L.P. 720 Third Avenue Pacific Building, Ste. Suite 2000 Seattle, WA 98104	January 14, 2014
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- iv. Pursuant to MICC 19.08.020(F)(3), MICC 19.15.010(E), and MICC 19.15.020(F)(1), both an open record public hearing in front of the Planning Commission and a subsequent public meeting with the City Council are required for preliminary long plat applications. The open record public hearing with the Planning Commission was held on Wednesday, January 15, 2014. Written comments were submitted by the following parties during the January 15, 2014 public hearing:

Exhibit Number	Person(s) Submitting Comments	Address	Date Received
100	Richard and Connie Del Missier	8220 SE 29th Street Mercer Island, WA 98040	January 15, 2014
101	Jay Derr	Van Ness Feldman, L.L.P. 719 Second Avenue, Suite 1150 Seattle, Washington 98104	January 15, 2014
102	Fred Glick Design	Mercer Island, WA 98040	January 15, 2014
103	Mercer Island Friends for Responsible Neighborhood Development on the Proposed Plat for the Coval Property	Aramburu & Eustis, L.L.P. 720 Third Avenue Pacific Building, Suite 2000 Seattle, WA 98104	January 15, 2014
104	Mike Grady	7011 81st Avenue SE Mercer Island, WA 98040	January 15, 2014

- v. Additionally, public testimony was provided by the following parties during the open record portion of the public hearing on January 15, 2014:

Person(s) Providing Testimony	Address
J. Richard Aramburu	Aramburu & Eustis, L.L.P., 720 Third Avenue, Pacific Building, Suite 2000 Seattle, WA 98104
Mike Grady	7011 81st Avenue SE Mercer Island, WA 98040
Malcolm Leytham	16300 Christensen Road, Suite 350 Seattle, WA 98188
Scott Luchessa	4013 32nd Avenue W Seattle, WA 98199
Dick Ferse	3203 84th Avenue SE Mercer Island, WA 98040
Linda Chaves	8265 SE 30th Place Mercer Island, WA 98040
Robert Thorpe	5800 West Mercer Way Mercer Island, WA 98040
Kevin Franke	8437 SE 37th Street Mercer Island, WA 98040
Bharat Shyam	8405 SE 34th Place Mercer Island, WA 98040
Shawn Boyle	8410 SE 36th Street Mercer Island, WA 98040
Ian Moncaster	8430 SE 36th Street Mercer Island, WA 98040
Toni Okada	2909 84th Avenue SE Mercer Island, WA 98040
T.J. Stewart	3205 84th Avenue SE Mercer Island, WA 98040
Sue Stewart	3205 84th Avenue SE Mercer Island, WA 98040
Glenn Blumstein	8241 SE 30th Street Mercer Island, WA 98040
Manny Cawaling	Youth Theatre Northwest, PO Box 296 Mercer Island, WA 98040

Sherry Frizzell	8375 SE 30th Place Mercer Island, WA 98040
Judy Ginn	7815 SE 85th Place Mercer Island, WA 98040
Tsering Short	PO Box 294 Mercer Island, WA 98040
Carrie Sutkiss	3927 86th Avenue SE Mercer Island, WA 98040
Katharine Lamperti	8320 SE 30th Place Mercer Island, WA 98040
Christine Acker	No address given
Phil Randazzo	8212 SE 29th Street Mercer Island, WA 98040
Lisa Zaidi	8231 SE 30th Place Mercer Island, WA 98040
Bruce Leamon	8335 SE 30th Place Mercer Island, WA 98040
Kurt Ferse	2500 81st Avenue SE Mercer Island, WA 98040
Richard Del Missier	8220 SE 29th Street Mercer Island, WA 98040
June Lindsey	8405 West Mercer Way Mercer Island, WA 98040
Carolyn Boatsman	3210 74th Avenue SE Mercer Island, WA 98040
Bruce McCauley	8214 SE 29th Street Mercer Island, WA 98040

- vi. The public hearing was continued to Wednesday, January 29, 2014. The record for the public hearing was closed at 5:00 PM on Wednesday, January 22, 2014. Written comments were submitted by the following parties between January 16, 2014 and when the record closed at 5:00 PM on January 22, 2014:

Exhibit Number	Person(s) Submitting Comments	Address	Date Received
105	Bharat Shyam	8405 SE 34th Place Mercer Island, WA 98040	January 16, 2014
106	Hardie Cobbs	8225 SE 30th Place Mercer Island, WA 98040	January 16, 2014
107	Pei-Hwa Lin	2901 84th Avenue SE Mercer Island, WA 98040	January 16, 2014
108	Liz Butowicz	8355 SE 34th Street Mercer Island, WA 98040	January 16, 2014
109	Janet Mead	8335 SE 30th Place Mercer Island, WA 98040	January 16, 2014
110	Carolyn Boatsman	3210 74th Avenue SE Mercer Island, WA 98040	January 16, 2014
111	Brenda Sandmaier	8412 SE 33rd Place Mercer Island, WA 98040	January 16, 2014
112	Philip Wang	8230 SE 30th Street Mercer Island, WA 98040	January 16, 2014
113	Werner Glass	8325 SE 34th Street Mercer Island, WA 98040	January 16, 2014
114	Marlene Lemon	4219 Shoreclub Drive Mercer Island, WA 98040	January 17, 2014
115	Alex Silverman	8350 SE 34th Street Mercer Island, WA 98040	January 19, 2014
116	Ian Moncaster	8430 SE 36th Street Mercer Island, WA 98040	January 19, 2014
117	Bharat Shyam	8405 SE 34th Place Mercer Island, WA 98040	January 20, 2014
118	Richard and Connie Del Missier	8220 SE 29th Street Mercer Island, WA 98040	January 20, 2014
119	Bharat Shyam	8405 SE 34th Place	January 20, 2014

		Mercer Island, WA 98040	
120	Bob Hoff	8219 SE 28th Street Mercer Island, WA 98040	January 20, 2014
121	Toni Okada	2909 84th Avenue SE Mercer Island, WA 98040	January 20, 2014
122	Rita Moore	6 Fern Hollow Mercer Island, WA 98040	January 21, 2014
123	Cameron Ackley	3050 81st Place SE Mercer Island, WA 98040	January 21, 2014
124	Toni Okada	2909 84th Avenue SE Mercer Island, WA 98040	January 21, 2014
125	Toni Okada	2909 84th Avenue SE Mercer Island, WA 98040	January 21, 2014
127	Nancy R. Lee	4001 West Mercer Way Mercer Island, WA 98040	January 21, 2014
128	Dr. Arny Reich	6221 82nd Avenue SE Mercer Island, WA 98040	January 21, 2014
129	Anita Reich	6221 82nd Avenue SE Mercer Island, WA 98040	January 21, 2014
130	Dale Kingman	Gordon Tilden Thomas & Cordell, LLP 1001 Fourth Avenue, Suite 4000 Seattle, WA 98154	January 21, 2014
131	Jeanette and Paul Reese	4334 89th Avenue SE Mercer Island, WA 98040	January 21, 2014
132	Norma Ho	8253 SE 30th Place Mercer Island, WA 98040	January 21, 2014
133	Sarah Ford	8405 SE 34th Place Mercer Island, WA 98040	January 21, 2014
134	Marion Schwartz	3002 61st Avenue SE Mercer Island, WA 98040	January 21, 2014
135	Justin Deng and Jaime Chang	3219 84th Avenue SE Mercer Island, WA 98040	January 22, 2014
136	Andrea Danen	7711 SE 58th Street Mercer Island, WA 98040	January 22, 2014
137	Richard Vacca	8220 SE 33rd Place Mercer Island, WA 98040	January 22, 2014
138	Jaqueline Tacher	1000 Second Avenue, Suite 3500 Seattle, WA 98104	January 22, 2014
139	Harman Wales	4545 Forest Avenue Mercer Island, WA 98040	January 22, 2014
140	Beverly Greenberg	2730 West Mercer Way Mercer Island, WA 98040	January 22, 2014
141	Richard and Deborah Ferse	3203 84th Avenue SE Mercer Island, WA 98040	January 22, 2014
142	Mr. and Mrs. William Donner	2768 68th Avenue SE Mercer Island, WA 98040	January 22, 2014
143	Diane and Albert Edmonds	2764 71st Avenue SE Mercer Island, WA 98040	January 22, 2014
145	Robert W. Thorpe, A.I.C.P.	R.W. Thorpe & Associates	January 22, 2014

		2737 78th Avenue SE, Suite 100 Mercer Island, WA 98040	
146	Kim Ferse	4003 West Mercer Way Mercer Island, WA 98040	January 22, 2014
147	Tim Stewart	3205 84th Avenue SE Mercer Island, WA 98040	January 22, 2014
148	Dr. Lisa Zaidi	8231 SE 30th Place Mercer Island, WA 98040	January 22, 2014
149	Mike Grady	7011 81st Avenue SE Mercer Island, WA 98040	January 22, 2014
150	J. Richard Aramburu	Aramburu & Eustis, L.L.P. 720 Third Avenue Pacific Building, Ste. Suite 2000 Seattle, WA 98104	January 22, 2014
151	K. Malcolm Leytham, P.E., Ph.D.	16300 Christensen Road, Suite 350 Seattle, WA 98188	January 22, 2014
152	J. Richard Aramburu	Aramburu & Eustis, L.L.P. 720 Third Avenue Pacific Building, Ste. Suite 2000 Seattle, WA 98104	January 22, 2014
153	James T. Lee	4001 West Mercer Way Mercer Island, WA 98040	
154	Nate and Tammy Luce	3211 84th Ave SE Mercer Island, WA 98040	January 22, 2014
155	Jay Derr	Van Ness Feldman, L.L.P. 719 Second Avenue, Suite 1150 Seattle, Washington 98104	January 22, 2014
156	Jay Derr	Van Ness Feldman, L.L.P. 719 Second Avenue, Suite 1150 Seattle, Washington 98104	January 22, 2014
159	Katharine Lamperti	8320 SE 30th Place Mercer Island, WA 98040	January 22, 2014
160	Sue Stewart	3205 84th Avenue SE Mercer Island, WA 98040	January 22, 2014

- vii. The date of the closed record public meeting with the City Council is scheduled for February 24, 2014 and will be held in the Mercer Island City Council Chambers, starting at 7:00 PM and located at 9611 SE 36th Street, Mercer Island, Washington. The City Council is the decision authority for preliminary long plats per MICC 19.15.010(E). The City Council will make a decision on the proposed long plat after considering the Planning Commission's recommendation. Notice for the open record hearing was provided as detailed previously in this report. Subsequent to the City Council's decision regarding the preliminary long plat, per 19.15.020(H)(2), a Notice of Decision is required to be published in the City's Weekly Permit Bulletin. Additionally, the Notice of Decision will be mailed to all parties of record.
- viii. MICC 19.02.020(C)(1) requires a front yard depth of 20 feet or more, a rear yard depth of 25 feet or more, and a side yard depth to have the sum of at least 15 feet, provided, no side yard abutting an interior lot line shall be less than five feet, and no side yard abutting a street shall be less than 10 feet. The site currently contains a single-family residence, attached pool house and garage, a detached garage, and a driveway. The applicant proposes demolition of the existing structures and removal of the driveway prior to final plat recording (Exhibit 1.3, Note 1). In Exhibit 1, the applicant has identified a building pad for each lot in accordance to MICC 19.08.020(D)(2) and MICC 19.09.090(A).

The demolition of single-family residences is regulated by the Building Department. Therefore, prior to final long plat approval, the applicant would be required to apply for all necessary permits and meet the requirements to receive final permit approval in order to meet the building setback requirements for the new property lines within the long subdivision.

- ix. MICC 19.10.020(B)(1) states that a permit is required for tree removal as a result of construction work (Exhibit 6). The City Arborist has provided comments that would ensure consistency with Chapter 19.10 MICC and are incorporated as recommended conditions of approval.
- x. MICC 19.15.010(E) states that the City Council is the decision authority for final long plat approvals. MICC 19.08.020(F)(5)(a) states that “once the preliminary plat for a long subdivision has been approved by the city, the applicant has five years to submit a final plat meeting all requirements of this chapter to the city council for approval.” A plat that has not been recorded within five years after its preliminary approval shall expire, becoming null and void. A new application must be submitted to revitalize an expired plat. In order for the applicant to comply with this requirement, it is recommended that it become a condition of approval.
- xi. MICC 19.08.020(F)(4) states “as a condition of preliminary approval of a project, the City Council in the case of a long subdivision...may require the installation of plat improvements as provided in MICC 19.08.040 which shall be conditions precedent to final approval of the long subdivision.” The City Engineer has reviewed the proposed long subdivision for compliance with MICC 19.08.020 and provided the necessary conditions of approval, which are included in this report.

E. *Proposed subdivisions shall comply with the Shoreline Management Act:*

Planning Commission Analysis:

The proposal is not within 200 feet of a shoreline, and is not considered to be located within “shorelands” as defined by MICC 19.16.010(S). Consequently, the Shoreline Management Act is not applicable per MICC 19.07.110(A)(2) and RCW 90.58.030(2)(f).

F. *Proposed subdivisions shall comply with other applicable legislation:*

Planning Commission Analysis:

The requirements for long subdivision regulations, including RCW 58.17, have been adopted by the City of Mercer Island. An evaluation for consistency with other applicable legislation is included below.

- i. The eighteen lot long plat proposal is subject to review under the State Environmental Policy Act (SEPA) per MICC 19.07.120(J)(1) and WAC 197-11-704(2)(a). The applicant’s current SEPA checklist was received by the City on October 30, 2013 (Exhibit 6). After review of the checklist, the optional DNS process, pursuant to WAC 197-11-355, was initially used. The first comment period ran from November 18, 2013 until 5:00 P.M. on December 11, 2013. This was concurrent with the comment period for the Notice of Application. Staff issued a Mitigated Determination of Nonsignificance, as described by WAC 197-11-350, subject to nine mitigation conditions (Exhibit 7). The MDNS was ultimately issued under WAC 197-11-340(2) to allow for an additional comment period associated with the MDNS. The second SEPA comment period ran for fourteen days from December 23, 2013 until 5:00 P.M. on January 6, 2014. The appeal period ran concurrent with the second SEPA comment period from December 23, 2013 until 5:00 P.M. on January 6, 2014. It was requested that the second comment period and the appeal period be extended (Exhibits 73, 74, and 77). MICC 19.07.120(T)(2) and MICC 19.15.020(J)(1) restrict SEPA appeal periods within the City to fourteen days. Therefore, an extension to the SEPA appeal period could not be permitted. However, staff extended the general comment period, which ended at 5:00 P.M. on January 13, 2014 (Exhibit 78). This allowed for a total of 44 days for the public to submit comments on the potential environmental impacts of the project. No appeal was received.

2. MICC 19.08.030(B) requires that:

- A. *The subdivision shall be reconciled as far as possible with current official plans for acquisition and development of arterial or other public streets, trails, public buildings, utilities, parks, playgrounds, and other public improvements.*

Planning Commission Analysis:

The current official plans for acquisition and development of arterial or other public streets, trails, public buildings, utilities, parks, playgrounds, and other public improvements do not designate any portion of the subject property. This does not apply.

- B. *If the preliminary plat includes a dedication of a public park with an area of less than two acres and the donor has designated that the park be named in honor of a deceased individual of good character, the city shall adopt the designated name.*

Planning Commission Analysis:

The proposed long plat does not propose to include a dedication of a public park. Therefore, this provision does not apply.

3. MICC 19.08.030(C) requires that:

- A. *Where the project may adversely impact the health, safety, and welfare of, or inflict expense or damage upon, residents or property owners within or adjoining the project, other members of the public, the state, the city, or other municipal corporations due to flooding, drainage problems, critical slopes, unstable soils, traffic access, public safety problems, or other causes, the code official shall require the applicant to adequately control such hazards or give adequate security for damages that may result from the project, or both.*

Planning Commission Analysis:

The City of Mercer Island Engineering Division has identified applicable stormwater mitigation measures, which if implemented as conditions of approval, would adequately control any potential flooding or drainage problems. Additional requirements may be imposed at the time of building permit review. The site contains steep slopes and other geohazard areas. However, construction on the site will be guided by the recommendations of a geotechnical engineer (Exhibits 16 – 18) as required by MICC 19.07060. Furthermore, the site has not been identified as having traffic access hazards or other public safety problems.

- B. *If there are soils or drainage problems, the City Engineer may require that a Washington registered civil engineer perform a geotechnical investigation of each lot in the project. Stormwater shall be managed in accordance with the criteria set out in MICC 15.09.030 and shall not increase likely damage to downstream or upstream facilities or properties.*

Planning Commission Analysis:

The applicant has submitted reports by a Geotechnical Engineer (Exhibits 16 – 18) to address any potential soils issues. Additional reports may be required at the time of building permit review for individual lots. The Building Official may also require that a Geotechnical Engineer be present during construction to monitor the work and recommend special techniques or mitigating measures. Plans for stormwater management are provided within Exhibits 1 and 19. If stormwater measures are implemented, as required by the Engineering Division, the stormwater would be managed in accordance with the criteria set out in MICC 15.09.030 and would not increase the likely damage to downstream or upstream facilities or properties.

- C. *Alternative tightline storm drains to Lake Washington shall not cause added impact to the properties, and the applicant shall submit supportive calculations for storm drainage detention.*

Planning Commission Analysis:

The applicant is not proposing to tightline storm drains to Lake Washington. The applicant will be utilizing a detention vault in addition to some infiltration where feasible and a storm drain easement that would convey stormwater into existing culverts (Exhibits 1.3, 1.4, and 19).

4. MICC 19.08.030(D) requires for streets, roads and rights-of-way that:

- A. *The width and location of rights-of-way for major, secondary, and collector arterial streets shall be as set forth in the comprehensive arterial plan.*

Planning Commission Analysis:

The applicant is neither proposing to alter an existing arterial, nor construct an extension of an existing arterial. This provision does not apply.

- B. *Public rights-of-way shall comply with the requirements set out in MICC 19.09.030.*

Planning Commission Analysis:

The construction and design standards for arterial and local access streets are defined by MICC 19.09.030. The subject property is accessed from 84th Avenue SE, which is a public right-of-way, but is not classified as an arterial. The applicant is proposing to dedicate the eastern 30 feet of the subject property to the City as right-of-way because the existing public road is presently located on private property (Exhibit 1.1). However, 84th Avenue SE will not be modified other than the addition of a gravel shoulder adjacent to the subject property along the western edge of the road (Exhibit 1.5). Therefore, this provision does not apply.

- C. *Private access roads shall meet the criteria set out in MICC 19.09.040.*

Planning Commission Analysis:

The proposal will result in the construction of one access tract within the proposed subdivision for ingress and egress. MICC 19.09.040(B) requires that private access roads serving three or more single family residences be at least 20 feet in width. The applicant is proposing that the access tract be 24 feet wide with a 20 foot paved surface (Exhibit 1.5) and 20 feet wide with 20 foot wide pavement within the proposed turnaround (Exhibit 1.1). Since the road is longer than 150 feet, a turnaround is provided (Exhibit 1.1). Lastly, the gradient of the proposed road shall not exceed 15 percent (Exhibit 1.5).

- D. *Streets of the proposed subdivision shall connect with existing improved public streets, or with existing improved private access roads subject to easements of way in favor of the land to be subdivided.*

Planning Commission Analysis:

The applicant is proposing a new private access road tract, which will connect with 84th Avenue SE, an existing public street. This provision is met.

5. MICC 19.08.030(E) requires for residential lots in new subdivisions that:

- A. *The area, width, and depth of each residential lot shall conform to the requirements for the zone in which the lot is located. Any lot which is located in two or more zones shall conform to the zoning requirements determined by the criteria set out in MICC 19.01.040(G)(2).*

Planning Commission Analysis:

MICC 19.01.040(G)(2) provides the guidelines for determining which zoning designation applies when a boundary between zones divides a lot into two or more pieces. A review of the current adopted zoning map finds that the subject parcel is located entirely with the R-9.6 zone. Per MICC 19.02.020(A), the minimum lot area for the underlying R-9.6 zone is 9,600 square feet. MICC 19.02.020(A) also requires a minimum lot width of 75 feet and a minimum lot depth of 80 feet.

DIMENSIONAL STANDARDS (AREA, WIDTH, AND DEPTH)

The table below shows the proposed lot dimensions:

	Net Lot Area¹ (square feet)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
Lot 1	10,060	75	134
Lot 2	10,179	76	134
Lot 3	10,321	77	134
Lot 4	10,688	80	134
Lot 5	11,750	75	157
Lot 6	11,749	75	157
Lot 7	11,747	75	157
Lot 8	11,745	75	157
Lot 9	10,414	82	129 +/-
Lot 10	12,112	94	115 +/-
Lot 11	10,260	75	115 +/-
Lot 12	10,257	75	115 +/-
Lot 13	11,297	89	115 +/-
Lot 14	10,204	85	137 +/-
Lot 15	11,349	75	151
Lot 16	11,335	75	151
Lot 17	11,341	75	151
Lot 18	11,136	75	151

¹ Net area is the lot area excluding that portion of the lot which is part of a vehicular access easement per MICC 19.02.020(A)(2). The term "easement" is included in definition of street in MICC 19.16.010(S).

BUILDING PADS

Setbacks, Rights-of-Way, and Width

Per MICC 19.09.090(A), building pads must be identified, and MICC 19.09.090(A)(3) states that "no cross-section dimension of a building pad shall be less than 20 feet in width." The building pad shall not be located within yard setbacks, rights-of-way, and critical areas or their buffers. The preliminary long plat in Exhibit 1 indicates that the building pads proposed by the applicant are exclusive of setbacks, rights-of-way, and do not have any cross-section widths less than 20 feet.

Critical Areas - Watercourses and Wetlands

The City's maps indicate the presence of a Type 2 watercourse on site (MICC Title 19, Exhibit E). However, MICC 19.07.020(C) stipulates that the locations of the critical areas shown in Appendix E of MICC Title 19 are approximate and that the "maps are to be used as a reference only." Furthermore, MICC 19.07.020(C) designates the applicant as being responsible "for determining the scope, extent and boundaries of any critical areas to the satisfaction of the code official." As part of the requirements for a critical areas determination application (CAO13-002), the applicant provided a critical areas study (Exhibit 10), which was peer reviewed by a qualified professional chosen by the City (Exhibit 11). Both the critical areas study and the peer review determined that a Type 2 watercourse as shown in MICC Title 19 Exhibit E was not present on site. In order to classify a feature as a "watercourse," it must meet the definition of "watercourse" in MICC 19.16.010(W):

A course or route, formed by nature and generally consisting of a channel with a bed, banks, or sides throughout substantially all its length, along which surface waters, with some regularity (annually in the rainy season), naturally and normally flow in draining from higher to lower lands. This definition does not include irrigation and drainage ditches, grass-lined swales, canals, storm water runoff devices, or other courses unless they are used by fish or to convey waters that were naturally occurring prior to construction.

The Watershed Company's peer review (Exhibit 11) stated that there may be wetland conditions on the site that should be evaluated. The applicant's biologist, Larry Burnstad with Watershed Dynamics, examined the site and did not find any conditions that would support the presence of a wetland (Exhibit 12 and 13) as defined by MICC 19.16.010(W):

Areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands do not include artificial wetlands, such as irrigation and drainage ditches, grass-lined swales, canals, landscape amenities, and detention facilities or those wetlands that were unintentionally created as a result of the construction of a road or street unless the artificial wetlands were created to mitigate the alteration of a naturally occurring wetland. For identifying and delineating a regulated wetland, the city will use the Wetland Manual.

The City contracted for peer review of the applicant's findings (Exhibit 14). The City's consultant conducted the peer review, which included a site visit, and found that wetlands, as defined by MICC 19.16.010(W), did not exist in the site. On June 18, 2013, the City issued a letter to Mr. Giesbrecht agreeing that there was neither a watercourse nor wetland(s) on the Coval property (Exhibit 15). As a result, the critical areas determination, which is defined by MICC 19.16.010(C) as "an administrative action by the code official pursuant to MICC 19.15.010(E) to allow reduction or averaging of a wetland or watercourse buffer, or alteration of a steep slope," was no longer necessary. Without a watercourse and/or wetland(s) on site, there would be no buffers to reduce. The critical areas determination was withdrawn on October 14, 2013 and the file was closed. A more thorough explanation of the critical areas determination process and this specific critical areas identification can be found in Exhibit 73. Since no wetlands or watercourses were found on the subject property, the building pads are located outside of any wetlands, watercourses, or their associated buffers.

Critical Areas - Geologic Hazard Areas

City maps show that the subject property may contain steep slopes, landslide hazard areas, seismic hazard areas, and erosion hazard areas. The following is an analysis of geologic hazard areas on the subject property as they relate to the proposed building pads.

Landslide Hazards (including Steep Slopes)

Landslide hazard areas are defined by MICC 19.16.010(L) as:

Those areas subject to landslides based on a combination of geologic, topographic, and hydrologic factors, including:

1. *Areas of historic failures;*
2. *Areas with all three of the following characteristics:*
 - a. *Slopes steeper than 15 percent; and*
 - b. *Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and*
 - c. *Springs or ground water seepage;*
3. *Areas that have shown evidence of past movement or that are underlain or covered by mass wastage debris from past movements;*
4. *Areas potentially unstable because of rapid stream incision and stream bank erosion; or*
5. *Steep Slope. Any slope of 40 percent or greater calculated by measuring the vertical rise over any 30-foot horizontal run.*

According to the applicant's Geotechnical report (Exhibit 16), Lots 10, 11, 12, and 13 meet criteria 1 and 5 for landslide hazard areas. Steep slopes are also included within the definition of landslide hazard areas in MICC 19.16.010(L). Additionally, steep slopes are defined by MICC 19.16.010(S) as "any slope of 40 percent or greater calculated by measuring the vertical rise over any 30-foot horizontal

run. Steep slopes do not include artificially created cut slopes or rockeries.” In addition to being located within a landslide hazard area, Lots 10, 11, 12, and 13 also contain steep slopes.

MICC 19.09.090(A)(2) allows for the placement of building pads within landslide hazard areas (including steep slopes). MICC 19.09.090(A)(2) states:

...building pads may be located within landslide hazard areas when all of the following are met: (a) a qualified professional determines that the criteria of MICC 19.07.060(D), Site Development, is satisfied; (b) building pads are sited to minimize impacts to the extent reasonably feasible; and (c) building pads are not located in steep slopes or within 10 feet from the top of a steep slope, unless such slopes, as determined by a qualified professional, consist of soil types determined not to be landslide prone.

The complete criteria for locating building pads within landslide hazard areas are shown in italics below. Planning Commission analysis follows each requirement:

(a) A qualified professional determines that the criteria of MICC 19.07.060(D), Site Development, are satisfied. MICC 19.07.060(D) requires the qualified professional to demonstrate:

- 1. Development Conditions. Alterations of geologic hazard areas may occur if the code official concludes that such alterations:*
 - a. Will not adversely impact other critical areas;*
 - b. Will not adversely impact (e.g., landslides, earth movement, increase surface water flows, etc.) the subject property or adjacent properties;*
 - c. Will mitigate impacts to the geologic hazard area consistent with best available science to the maximum extent reasonably possible such that the site is determined to be safe; and*
 - d. Include the landscaping of all disturbed areas outside of building footprints and installation of all impervious surfaces prior to final inspection.*

On page 3 of the Geotechnical Report submitted on October 10, 2013 (Exhibit 17), a statement is provided by the engineer that verifies that the proposed development will meet requirements MICC 19.07.060(D)(1)(a and b). The Statement of Risk (Exhibit 18) states that the proposal complies with MICC 19.07.060(D)(1)(c). MICC 19.07.060(D)(1)(d) shall be recommended as a condition of preliminary approval.

- 2. Statement of Risk. Alteration within geologic hazard areas may occur if the development conditions listed above are satisfied and the geotechnical professional provides a statement of risk with supporting documentation indicating that one of the following conditions can be met:*

- a. The geologic hazard area will be modified, or the development has been designed so that the risk to the lot and adjacent property is eliminated or mitigated such that the site is determined to be safe;*
- b. Construction practices are proposed for the alteration that would render the development as safe as if it were not located in a geologic hazard area;*
- c. The alteration is so minor as not to pose a threat to the public health, safety and welfare; or*
- d. An evaluation of site specific subsurface conditions demonstrates that the proposed development is not located in a geologic hazard area.*

The applicant has provided a Statement of Risk to the City, which was prepared by their Geotechnical Engineer (Exhibit 18). The State of Risk indicates that “development practices are proposed for the alterations that would render the affected lots as safe as if they were not located in a geologic hazard area.” Consequently, the proposal would meet the requirements of MICC 19.07.060(D)(2)(b)

3. *Development Limitations. Within a landslide hazard area, the code official may restrict alterations to the minimum extent necessary for the construction and maintenance of structures and related access where such action is deemed necessary to mitigate the hazard associated with development.*

The Code Official retains the right to restrict alterations as specified within MICC 19.07.060(D)(3).

4. *Seasonal Limitations. Land clearing, grading, filling, and foundation work within geologic hazard areas are not permitted between October 1 and April 1. The code official may grant a waiver to this seasonal development limitation if the applicant provides a geotechnical report of the site and the proposed construction activities that concludes erosion and sedimentation impacts can be effectively controlled on-site consistent with adopted storm water standards and the proposed construction work will not subject people or property, including areas off-site, to an increased risk of the hazard. As a condition of the waiver, the code official may require erosion control measures, restoration plans, and/or an indemnification/release agreement. Peer review of the geotechnical report may be required in accordance with subsection C of this section. If site activities result in erosion impacts or threaten water quality standards, the city may suspend further work on the site and/or require remedial action; and*

The seasonal development limitation described in MICC 19.07.060(D)(4) applies to the proposal unless a waiver is granted.

- (b) *Building pads are sited to minimize impacts to the extent reasonably feasible; and*

Proposed building pads have been sited to minimize impacts to critical areas while preserving trees on site. Nevertheless, it may be possible to move the building pads on Lots 10, 11, 12, and 13 further to the east. Alternatively, the applicant could submit a setback deviation per MICC 19.02.020(C)(4) to reduce the front setbacks on Lots 10, 11, 12, and 13 to minimize impacts to the steep slope.

- (c) *Building pads are not located in steep slopes or within 10 feet from the top of a steep slope, unless such slopes, as determined by a qualified professional, consist of soil types determined not to be landslide prone.*

The building pads proposed for Lots 10, 11, 12, and 13 are located partially on steep slopes. As required by MICC 19.09.090(A)(2), building pads may not be located on steep slopes unless a qualified professional shows that the slopes are comprised of soil types determined to not be landslide prone. Exhibits 16 and 17 indicate that although the western steel slope is stable, it is located within a landslide hazard area. Therefore, the building pad must either be removed from the steep slope or the applicant shall provide additional information from a geotechnical engineer that demonstrates that the soils comprising the steep slopes are not landslide prone. This shall be recommended as a condition of approval.

Erosion Hazards

Erosion hazard areas are defined by MICC 19.16.010(E) as “those areas greater than 15 percent slope and subject to a severe risk of erosion due to wind, rain, water, slope and other natural agents including those soil types and/or areas identified by the U.S. Department of Agriculture’s Natural Resources Conservation Service as having a “severe” or “very severe” rill and inter-rill erosion hazard.” By this definition and as discussed in Exhibit 16, Lots 10, 11, 12, 13, 15, and 16 may have erosion hazard areas. Erosion risk will have to be mitigated as discussed in Exhibits 16 and 17.

Seismic Hazards

Seismic hazard areas are defined by MICC 19.16.010(S) as “areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction or surface

faulting.” Page 6 of the Geotechnical report submitted on July 30, 2013 (Exhibit 16) describes how the subject property does not meet the definition in MICC 19.16.010(S) of a seismic hazard, as there is little risk for severe damage resulting from an earthquake and future design of proposed structures would “mitigate impacts associated with ground shaking.” Therefore, the building pads are not proposed to be located within seismic hazard areas.

Planning Commission finds that all proposed lots, as illustrated in Exhibit 1, would meet or exceed the minimum lot area, width, and depth requirements. With the exception of Lots 10, 11, 12, and 13, all lots appear to meet the minimum building pad requirements in MICC 19.09.090(A).

- B.** *Each side line of a lot shall be approximately perpendicular or radial to the center line of the street on which the lot fronts.*

Planning Commission Analysis:

The side lot lines of all proposed lots are either perpendicular or radial to the access easement upon which they front. This requirement is met.

6. MICC 19.08.030(F) requires for special conditions:

- A.** *Subdivisions abutting an arterial street as shown on the comprehensive arterial plan shall be oriented to require the rear or side portion of the lots to abut the arterial and provide for internal access streets.*

Planning Commission Analysis:

The subject property gains access from 84th Avenue SE, which is not designated by the Mercer Island Comprehensive Plan as an arterial street. Therefore, proposed lots within the subdivision are not required to be situated so that either a side or rear portion of the lot abuts 84th Avenue SE. Furthermore, the proposed lots are not required to gain access from an internal street (Exhibit 1.1).

- B.** *Where Critical Areas meeting the criteria set out in Chapter 19.07 MICC are present within the subdivision, the code official or city council may require additional restrictions on the lots.*

Planning Commission Analysis:

As discussed above, City maps indicate the presence of erosion hazards, landslide hazards, seismic hazards, and steep slopes on the subject property. The previous analysis indicates that Lots 10, 11, 12, and 13 are impacted by landslide hazard areas, including steep slopes (Exhibits 16 - 18), but the location of building pads on these lots is permitted by MICC 19.09.090(A) and future development of the specified lots is allowed subject to MICC 19.07.060. Additionally, erosion hazard areas appear to impact Lots 10, 11, 12, 13, 15, and 16. However, development of these lots is permitted by MICC 19.07.060 as guided by the submitted geotechnical reports (Exhibits 16 – 18). Additionally, Exhibits 10 – 15 show that there are no features on the subject property that meet the definition of wetland and/or watercourse as defined by MICC 19.16.010(W). As all proposed alterations within critical areas are permitted by the MICC, the Code Official is not recommending additional restrictions beyond what is required by the Mercer Island City Code.

7. MICC 19.08.020(F)(1) requires that all preliminary approvals or denials of subdivisions shall be accompanied by written findings of fact demonstrating that:

- A.** *The project does or does not make appropriate provisions for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school.*

Planning Commission Analysis:

Reviews by the City Engineer, the City Arborist, the Building Official, the Code Official, and the Fire Code Official have been completed to ensure appropriate provisions for fire protection, ingress/egress access, stormwater, potable water supply, sanitary sewer, and safe/buildable areas; and find that the public health, safety, and general welfare would be protected if the conditions of approval are met. Development of the subject property shall be guided by the technical reports submitted by the applicant (Exhibits 8, 9, 16, 17, 18, and 19). Further measures are required by the SEPA MDNS (Exhibit 7), which will mitigate potential environmental impacts.

A review for consistency with the Land Use and Capital Facility Elements of the Comprehensive plan finds that there are no identified needs in the area for parks and recreation, playgrounds, schools and school grounds. However, the Facilities Improvement Plan within the City's Pedestrian and Bicycle Plan has identified 84th Avenue SE adjacent to the site as the location for a proposed pedestrian crossing. Along its western boundary, the subject property abuts an identified future location for stairs. A trail across the subject property would connect the proposed crosswalk to the future stairs, effectively enhancing connectivity between Upper Luther Burbank Park and the Town Center. The proposed subdivision includes a proposed pedestrian easement, which feeds into an existing pedestrian easement to the southwest, to provide for this connection (Exhibit 1.1).

84th Avenue SE adjacent to the subject property lacks sidewalks, but the applicant is proposing 8 foot wide gravel shoulders, thus providing space for students to walk to and from school and those waiting for the bus (Exhibit 1.1).

The closest transit stop is approximately one half mile from the site at the intersection of 84th Avenue SE, SE 39th Street, and Island Crest Way. The City does not determine the location of new transit stops.

Planning Commission finds that the proposal makes appropriate provisions for the public health, safety, and general welfare

B. *The public use and interest will or will not be served by approval of the project.*

Planning Commission Analysis:

The City finds that uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of the city. The proposed subdivision would comply with this goal and help to achieve the state mandated population growth targets (RCW 36.70A.215), which have been adopted in the City's Comprehensive Plan, in a manner consistent with the zoning adopted for the area in 1965 (Ordinance 123). Therefore, the public use and interest will be served by approval of the project due to compliance with the comprehensive plan, growth targets, and coordinated growth.

C. *The project does or does not conform to applicable zoning and land use regulations.*

Planning Commission Analysis:

As discussed above, the project would conform to all applicable zoning and land use regulations including, but not limited to, setbacks, impervious surface coverage, gross floor area, and critical areas.

III. CONCLUSIONS OF LAW

Based on the above Findings of Facts, the following Conclusions of Law have been made:

1. The proposed subdivision is consistent with, and therefore, would comply with the arterial, capital facility, and land use elements of the Comprehensive Plan. Additionally, the proposed long plat would be consistent with, and therefore, comply with all other chapters of the development code, the Shoreline Management Act, and other applicable regulations, subject to the conditions of approval.
2. The use of this property is residential, which is a permitted use in the underlying zone. The residential proposal in the underlying zone is consistent with the adopted current and official Comprehensive Plan land use element, and plans for arterial streets, trails, public facilities, utilities, parks and playgrounds, subject to the conditions of approval.
3. The public health and welfare will be served by the approval of the project because it will provide additional housing to meet the City's growth management targets, and provide improved drainage along the adjacent right-of-way. The residential proposal does not create adverse impacts to health, safety or welfare or inflict damage to adjacent properties or the public interests for flooding, drainage, slopes, unstable soils, traffic, public safety or other causes, subject to the conditions of approval.
4. The proposed long plat is consistent with the requirement for streets, roads, and rights-of-way if the requirements of the City of Mercer Island Engineering Department are met for this long plat.
5. The proposal meets the minimum lot area, width, and depth of each residential lot for the zone in which the lots are located, and complies with all applicable zoning regulations.
6. Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication.

IV. PLANNING COMMISSION RECOMMENDATION

Based upon the above noted Findings of Fact and Conclusions of Law, long plat application SUB13-009 for an eighteen lot long plat, as depicted in Exhibit 1, is hereby recommended for preliminary approval, subject to the conditions of approval noted below. This decision is final, unless appealed in writing consistent with adopted appeal procedures.

V. PLANNING COMMISSION RECOMMENDED CONDITIONS OF APPROVAL

It is hereby recommended that the following conditions shall be binding on the "Applicant," which shall include owner or owners of the property, heirs, assign and successors.

General

1. The final plat shall be designed substantially in conformance with the preliminary plat of record submitted as part of this long plat application, Exhibit 1, and as required to be amended by the Conditions of Approval.
2. The proposed and future development of this property shall comply with the zoning district, or as amended at the time of development.

3. The removal of native vegetation is to be minimized and limited to active construction areas.
4. The existing structures and impervious surface coverage on site shall be demolished prior to issuance of final approval of this long plat.
5. The applicant has five years to submit a final plat meeting all requirements of the Conditions of Approval. A plat that has not been recorded within five years after its preliminary approval shall expire. A new application is required to revitalize an expired preliminary plat.
6. This long plat is subject to the mitigation conditions included within the SEPA Mitigated Determination of Nonsignificance issued for project number SEP13-031 on December 23, 2013.
7. Noise impacts shall be minimized. The applicant should conduct the most disruptive and noisiest elements of site development and construction during those times when adjacent residents are less likely to be home, which is generally between 8:00 A.M. and 5:00 P.M. on weekdays (Monday through Friday).
8. Per MICC 19.07.060(D)(1)(d), include the landscaping of all disturbed areas outside of building footprints and installation of all impervious surfaces prior to final inspection of applicable permits.
9. Proposed building pads on Lot 10, 11, 12, and 13 must either be removed from the existing steep slope or the applicant shall provide additional information from a geotechnical engineer demonstrating that the soils comprising the steep slopes are not landslide prone.
10. Prior to commencement of construction on the site, the applicant shall submit a plan, that includes, but is not limited to traffic management with certified flaggers, parking on site and haul routes related to construction activity, and hours of certain construction activities if the construction activity would affect pedestrian traffic on 84th Ave SE.
11. At the time of Final plat recording, the applicant shall contribute \$50,000 to the City's Street fund to be used toward one of the pedestrian circulation improvements along 84th Ave SE identified in the 2010 City of Mercer Island Pedestrian and Bicycle Facilities Plan (Project N-18, N-19, or N-20).
12. The final plat shall contain a note, or other permanent restriction, with terms acceptable to the applicant and the City Attorney, that requires the homeowner to obtain a tree permit from the City pursuant to the criteria for removal found in MICC 19.10.040(B)(Trees on Private Property) prior to removing any tree from the homeowner's lot that has been identified for retention at issuance of a building permit and not only for trees located within a critical tree area, as otherwise required by MICC Chapter 19.10.

Arborist

1. Pursuant to MICC 19.10.020, a Tree Permit is required before any work begins, including demolition and grading.
2. You are required to use methods in conjunction with the city arborist and your project arborist that show you have used "reasonable best efforts" per MICC 19.10.040(B) and "best construction practices" per MICC 19.10.080(A) to avoid damaging protected trees during plat and individual lot development.
3. A tree protection inspection is required before any plat work begins, including demolition and grading, per MICC 19.10.080 (A)(3).
4. Submitted materials for your plat and building permit applications must show tree protection at the drip lines along with the proposed location of all utilities on the site utility sheets. Per the City Tree Ordinance, MICC 19.10.040(B), reasonable best efforts must be taken to avoid taking a protected tree during development of the lot.

5. At time of site development, tree removal is limited to those trees identified on the plat plan that accommodate site development infrastructure improvements [MICC 19.10.080(A)(3)]. Trees that must be removed at a later date will be considered at time of building permit submittal. Any additional removals must be approved by the City Arborist prior to their removal. At that time, you will be required to follow building permit submittal requirements as stated in MICC 19.10.080.
6. Final tree protection and removal will be determined in the field after all plat improvements are accurately staked in the field
7. You are required to install all site development replacement trees before final approval of the plat (MICC 19.10.060). Please install trees on perimeters and outside of building pads so they are not damaged during future construction.

Fire Code Official

1. The proposed private access road shall have a paved surface no less than 26 feet in width to accommodate guest parking on one side of the road to increase safety and lessen overflow parking on 84th Ave SE. The 26 feet must be comprised of a surface that satisfactorily meets all requirements of the fire code.
2. Two fire hydrants are required. The second hydrant is required to be installed at 300 feet to 350 feet spacing from the new one shown on Exhibits 1.6 and 26.

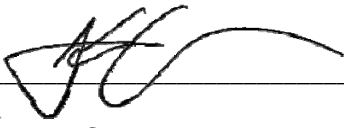
Engineering

1. Easements for shared access, utilities, and storm drainage facilities shall be depicted on the face of the final plat. Language which indicates joint rights and responsibilities of each lot with respect to all utilities and roadways shall be shown along with individual lot Joint Maintenance Easement Agreements (where applicable) for all shared usage and filed with the King County Recorder and noted on the final plat. The easement shall indicate whether it is public or private, existing or proposed.
2. All damage to adjacent properties or public rights-of-way resulting from construction (e.g., siltation, mud, water, runoff, roadway damage caused by construction equipment or hauling) shall be expeditiously mitigated and repaired by the contractor, at no expense to the City. Failure to mitigate and repair said damage, or to comply with the approved construction plans, the permits issued by the City, or the City requirement for corrective action shall be cause for the issuance of a "Stop Work" order, foreclosure on the plat bond/security, and/or other measures deemed appropriate by the City Engineer or Code Official to ensure construction consistent with the approved plans and protection of public safety.
3. The final plat shall be prepared in conformance with Title 58 RCW and Surveys shall comply with Chapter 332-130 WAC. Additionally, provide the final plat as a DXF Autocad file, PDF, and mylar hardcopy. Submit using Mercer Island's datum and tie the plat to at least two monuments.
4. A City of Mercer Island title block for approval signatures (Planner and City Engineer) shall be provided on the final plat along with the designated Long plat number.
5. Construction of all improvements for access, utilities, storm drainage, and site work shall comply with current City ordinances and the requirements of the City Engineer.
6. All utilities serving the plat shall be under grounded (MICC 19.09.040) and shall be designed and constructed in accordance with City of Mercer Island Ordinances.
7. Long plat improvement plans prepared by a Washington State licensed engineer shall be submitted for review and approval by the City Engineer. The improvement plans shall include:
 - a. Plat access road - Comply with the Fire Code Official Requirements and standards contained in MICC 19.09.040. Provide detail design for the access road.

- b. Temporary Erosion Control measurements.
- c. Grading Plan.
- d. Water main and appurtenances
 - Show the existing water mains (locations, sizes, and materials) along 84th Ave. SE and along the south property line.
 - Fire hydrants – Show the locations of existing and new hydrants.
 - Water main – Extend an 8” ductile iron main from the City water main in 84th Ave. SE to serve the plat in a manner that provides both domestic water and fire suppression needs acceptable to the City Engineer and Fire Code Official. The design shall minimize the use of bends, use reasonable best efforts to protect regulated trees, and minimize utility crossings.
 - Provide a minimum of 7.5 feet of separation between the water main and private storm drainage system.
 - Provide a minimum of ten feet of separation between the water main and sanitary sewer main.
 - Show the locations and sizes of the proposed water meters and water services for all lots. The proposed water meters shall be located within the public right of way or proposed public utility easement.
 - Show the approximate locations of the driveways for each lot, so the water meters will not be located within the driveway areas.
 - Abandon the existing water service tap at the city water mains. The location of the existing water service tap shall be located and shown on the plan.
- e. Sanitary sewer and appurtenances
 - Extend an 8” sewer main to serve all lots of the plat.
 - Show the sanitary sewer stub outs.
 - Abandon the existing side sewer at the city sewer main.
- f. Stormwater
 - Show the storm drainage stub outs for all lots.
 - Provide treatment of runoff from the street and any other pollution generating impervious surfaces (PGIS) in accordance with 2005 Department of Ecology’s Stormwater Management Manual.
 - Provide on-site detention system in accordance with the 2005 Department of Ecology’s Stormwater Management Manual as amended by MICC 15.09. The pre-developed condition must be modeled as “2nd growth forest”. The drainage report, detention system calculations and drainage plan shall be prepared by a civil engineer licensed by the State of Washington.
 - If the applicant contemplates the use of infiltration for management of stormwater runoff from some of the lots, a minimum of one soil log for each proposed infiltration trench location is required. The soil report and infiltration system design shall be in accordance with the 2005 Department of Ecology’s Stormwater Management Manual. If infiltration is not deemed feasible by the City Engineer based on the soil investigation, then the plat detention system must be designed to serve these lots.
 - The applicant’s civil engineer must inspect and confirm the condition of the existing drainage system on Lot 7 from the southern neighboring property and replace if needed as determined by the City Engineer.
 - The existing drainage ditch along the frontage of 84th Ave. SE shall be piped and filled to accommodate the construction of a gravel shoulder.
 - A Department of Ecology Construction General Permit is required for this project.
- g. Right of way
 - Dedicate 30 feet of right of way to the City of Mercer Island along 84th Ave. SE abutting the site.
 - Provide an 8.5 foot wide gravel shoulder along 84th Ave. SE abutting the site as directed by the City Engineer.

- All existing improvements in the vicinity of the proposed work shall be restored to the satisfaction of the City Engineer. Restoration of pavement on 84th Ave. SE damaged by construction activities may require a full width grinding and overlay of the roadway. The actual limits and method of restoration shall be determined by the City engineer prior to final plat approval.
- h. Dry utilities
- Show the dry (power, gas, etc) utility corridor on the plan. Dry utilities shall not be located within the public utility easements except to the extent allowed by the City Engineer.
- i. Easements
- Provide a 25 foot wide public utility easement along the south side of plat over the existing 8" water main.
 - Provide a public utility easement for the proposed water main and sewer main extensions. The public utility easement (for the water and sewer main combined) shall be at least 25' wide with a minimum 15' clearance between the new water main and sewer main, 5' clearance between the edge of the easement and the center of water main or sewer main. The new fire hydrants shall be located within the proposed utility easement. If separate water and sewer easements are provided, then each shall be at least 15' wide centered on the main.
 - All new public utility easements shall be exclusive and not shared with private utilities.
 - Show all existing and proposed easements. Clearly distinguish all public easements from private easements. Private utility easement and public utility easement shall not be combined.
8. All long plat improvements shall be completed prior to final approval and recording of the long plat documents or bonded and completed prior to issuance of building permits when allowed by the City Engineer. An accurately prepared as-built drawing that shows all utilities and long plat improvements shall be submitted to the City upon completion of the work. Provide two paper copies and one PDF file. Submit using Mercer Island's datum and tie the plat to at least two monuments.
9. The following notes shall be placed on the final plat:
- A. Maintenance and repair of joint use side sewers (sewer lines from the building to the City sewer main), shared roads, access easements, storm drainage facilities shall be the responsibility of the owners of each lot served (with the exception that owners of any lot which is lower in elevation shall not be responsible for that portion of a private side sewer above their connection.) In the event that maintenance and repair of any facilities enumerated above are not performed to the satisfaction of the City Engineer, after a timely demand has been made for such action, the City or its agent shall have the right to enter upon the premises and perform the necessary maintenance and repair to protect the safety and general welfare of the public and shall have the right to charge the owner of each lot an equal share of the total maintenance and repair costs. The City or the owner of any lot within this Long plat shall have the right to bring action in Superior Court to require any maintenance or repair and to recover the costs incurred in making or effecting repairs to improvements.
 - B. The monitoring, cleaning, maintenance and repair of storm drainage systems in accordance with City Ordinance No. 95C-118 and MICC 15.09 is required for all lot owners within this plat to control stormwater runoff and control erosion and flooding downstream. All costs related to stormwater runoff control shall be borne by the owners of each lot in equal share. This obligation shall be recorded separately with each individual lot sale and shall travel with the land.
 - C. All staging for construction shall occur on site and shall not be located in the public right-of-way.
 - D. Prior to the issuance of a building permit, each application shall be accompanied with a temporary erosion and sedimentation control plan, clearing and grading plan, and an access and utility plan showing the location of existing trees.
 - E. No permanent landscaping, structures, or fences shall be placed on or within public utility, storm drainage, or pedestrian path easements without the written approval of the City Engineer.

- F. If in the opinion of the City Engineer, utilities or storm drainage facilities require maintenance, repair or replacement, the City or its agent shall have the right to enter those lots adjoining the facility for the purpose of maintaining, repairing, relocating or replacing said facilities.
- G. Installation of landscaping and/or structures including trees, shrubs, rocks, berms, walls, gates, and other improvements are not allowed within the public right-of-way without an approved encroachment license agreement from the City prior to the work occurring (MICC 19.06.060).



Adam Cooper
Planning Commission Chair

January 29, 2014
Date

AGENDA BILL 4926 – EXHIBIT 1

Instructions for viewing exhibits 1-160 to the Planning Commission's Findings of Fact and Conclusions:

1. Got to www.mercergov.org/councilmeetings
2. Click on the "Agenda" link for the 2/24/2014 meeting
3. Click on the link for "AB 4926: Coval Closed Record Public Hearing for a Proposed Eighteen Lot Long Plat (SUB13-009 and SEP13-031)"
4. The exhibits to the Planning Commission's recommendation (Exhibit 1 to AB 4926) will be listed on the right side of the screen.
5. Click on the PDF links to view the documents.

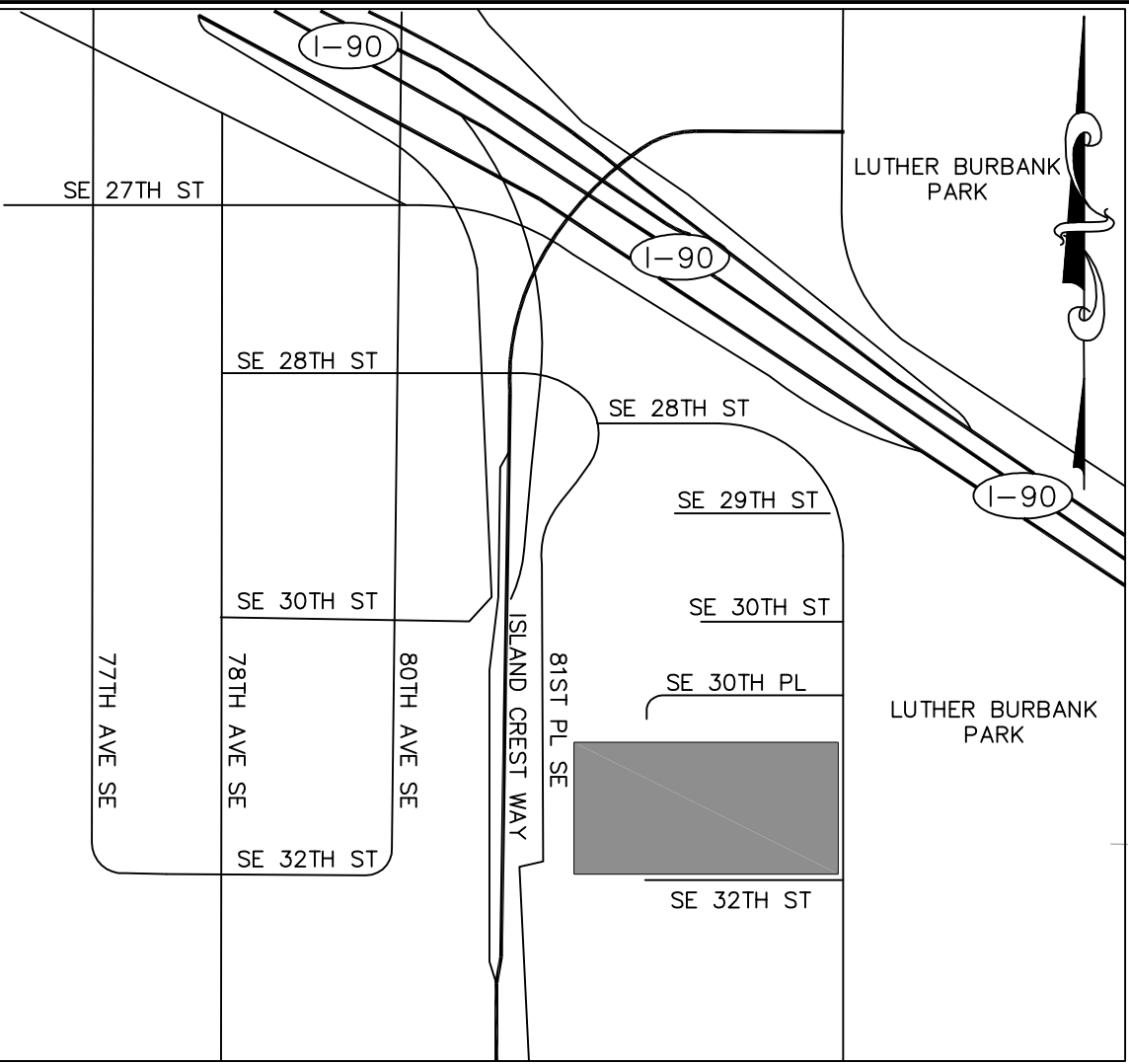
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**PLAT AND
DEVELOPMENT
APPLICATION
MATERIALS**

B:\Washington\Mercer Island\Rykon-Coval_Property\2Drawings\WRY_010P.dwg



VICINITY MAP

N.T.S.

CONTACTS

OWNER

MYER COVAL
3051 84TH AVENUE SE
MERCER ISLAND, WA. 98040

APPLICANT

MI 84TH LIMITED PARTNERSHIP
15080 NORTH BLUFF ROAD
WHITE ROCK, B.C. V4B5C1
PHONE: (206) 749-9600
CONTACT: WES GIESBRECHT

LANDSCAPE ARCHITECT

FRED GLICK DESIGN
7644 SE 41ST STREET
MERCER ISLAND, WA 98040
(206) 498-4280
CONTACT: FRED GLICK, LA

ENGINEER

PACLAND
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BELLEVUE, WA. 98004
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CONTACT: SCOTT BORGESON, P.E.
PAUL MANZER, P.E.

GEOTECHNICAL ENGINEER

TERRA ASSOCIATES, INC.
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KIRKLAND, WA. 98034
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CONTACT: TED SCHEPPER, P.E.

SURVEYOR

AXIS SURVEY & MAPPING
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KIRKLAND, WA. 98034
PHONE: (425) 823-5700
CONTACT: ZANE NALL, P.L.S.

BIOLOGIST

WATERSHED DYNAMICS
P.O. BOX 215
ENUMCLAW, WA 98022
PHONE: (360) 825-9253
CONTACT: LARRY BURNSTAD

ARBORIST

GREENFOREST INCORPORATED
4547 S. LUCILE STREET
SEATTLE, WA 98118
PHONE: (206) 723-1656
CONTACT: FAVERO GREENFOREST

PROJECT INFORMATION

ZONING:	R-9.6
TOTAL PARCEL AREA:	221,975 SF (5.1 ACRES)
R.O.W. DEDICATION:	9,952 SF
PRIVATE ACCESS TRACT:	13,778 SF
NET DEVELOPABLE AREA: (TOTAL PARCEL AREA - ROW DEDICATION - PRIVATE ACCESS TRACT)	198,245 SF (4.55 ACRES)
MAX LOT YIELD:	(198,245 SF/9,600 SF) =20.65
PROPOSED NUMBER OF LOTS	18
MIN. LOT SIZE:	9,600 SF
MIN. LOT DEPTH:	80'
MIN. LOT WIDTH:	75'
MAX BUILDING HEIGHT:	30'
MAX GROSS FLOOR AREA:	45% LOT AREA
MAX LOT COVERAGE:	40% (SLOPE < 15%) 35% (SLOPE < 30%) 30% (SLOPE 30%-50%)
TAX PARCEL NUMBER:	1224049010
SETBACKS:	
FRONT:	20'
LOTS:	25'
SIDE:	15' TOTAL (5' MIN)
FROM PUBLIC R.O.W.:	10' MIN.

LEGAL DESCRIPTION

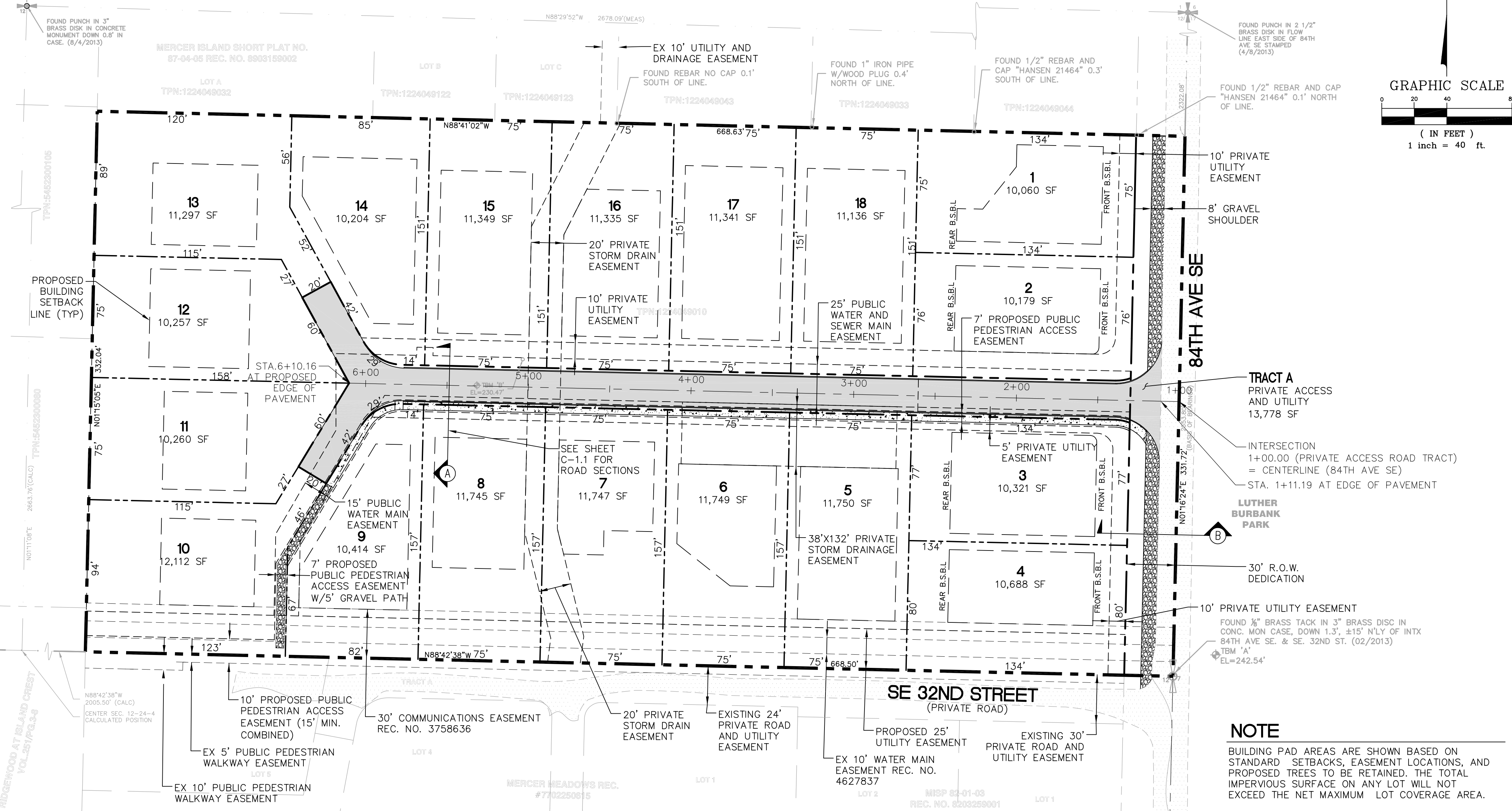
THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 24 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON.

NE 1/4, SEC. 12, TWP. 24 N., RGE. 4 E., W.M.

COVAL PROPERTY PRELIMINARY PLAT PLANS

CITY OF MERCER ISLAND FILE NO: SUB13-009

EXHIBIT 1.1



GRAPHIC SCALE

(IN FEET)

1 inch = 40 ft.

NOTE

BUILDING PAD AREAS ARE SHOWN BASED ON STANDARD SETBACKS, EASEMENT LOCATIONS, AND PROPOSED TREES TO BE RETAINED. THE TOTAL IMPERVIOUS SURFACE ON ANY LOT WILL NOT EXCEED THE NET MAXIMUM LOT COVERAGE AREA.

DATUM/BASIS OF BEARINGS

HELD N01°16'24"E ALONG THE EAST LINE OF THE EAST LINE OF THE NE QUARTER SEC 12-24-4 PER GPS OBSERVATION.

ORIGINATING BENCHMARK: CITY OF MERCER ISLAND MONUMENT
DESIGNATION #MI 1015, 1½" BRASS CAP IN 4"x4" CONCRETE POST IN CASE.

VERTICAL DATUM: NAVD '88, ELEVATION: 85.16'

TEMPORARY BENCHMARKS: TBM 'A' TOP OF MONUMENT IN CASE AT EAST QUARTER CORNER SEC. 12-24-4, ELEVATION 242.54'

TBM 'B' TOP SW CORNER BOX CULVERT AT LOW POINT IN DIRT ROAD. ELEVATION 230.47'

SHEET INDEX

01	CV-01	COVER SHEET/PRELIMINARY PLAT MAP
02	SV-1	TOPOGRAPHIC MAP
03	C-1.0	PHASE 1 GRADING AND DRAINAGE PLAN
04	C-1.1	PHASE 2 GRADING AND DRAINAGE PLAN
05	C-1.2	PRELIMINARY ROAD PROFILES & SECTIONS
06	C-2.0	PRELIMINARY UTILITY PLAN
07	L-1.0	TREE ASSESSMENT PLAN
08	L-2.0	PHASE 1 TREE IMPLEMENTATION PLAN
09	L-2.1	PHASE 2 TREE IMPLEMENTATION PLAN

LEGEND

---	PROPERTY LINE
- - - -	PROPOSED R.O.W.
----	PROPOSED BUILDING
- . - . -	PROPOSED LOT LINE
- - - - -	PROPOSED CENTER LINE
- - - - -	PROPOSED B.S.B.L.
- - - - -	PROPOSED CURB
- - - - -	PROPOSED EASEMENT
- - - - -	PROPOSED ASPHALT PAVEMENT
- - - - -	PROPOSED SIDEWALK
- - - - -	PROPOSED GRAVEL



PACLAND

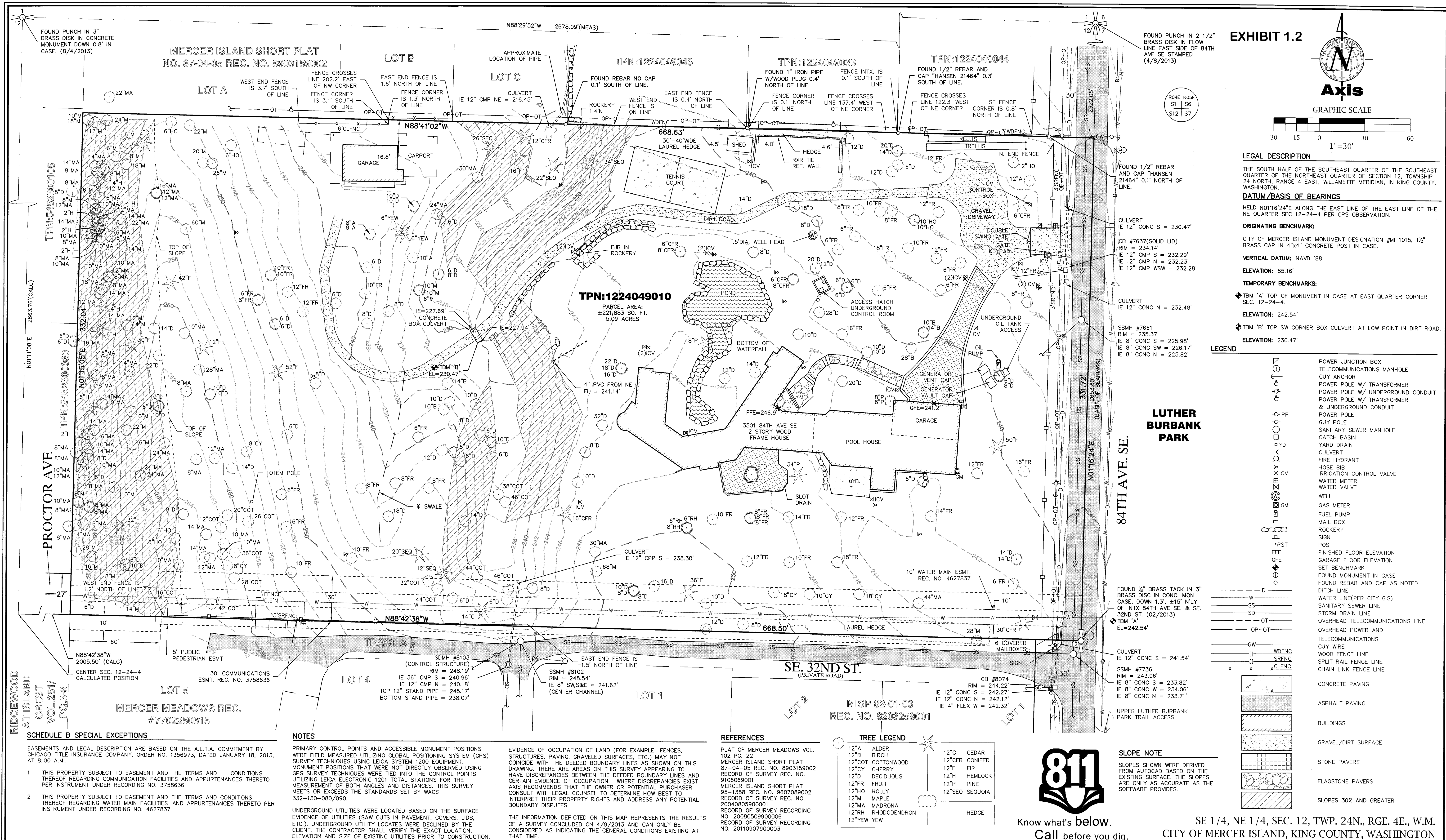
CV-01

COVAL PROPERTY
MI 84TH PARTNERSHIP
3051 84TH AVENUE SE
MERCER ISLAND, WA 98040

COVER SHEET/PRELIMINARY PLAT MAP

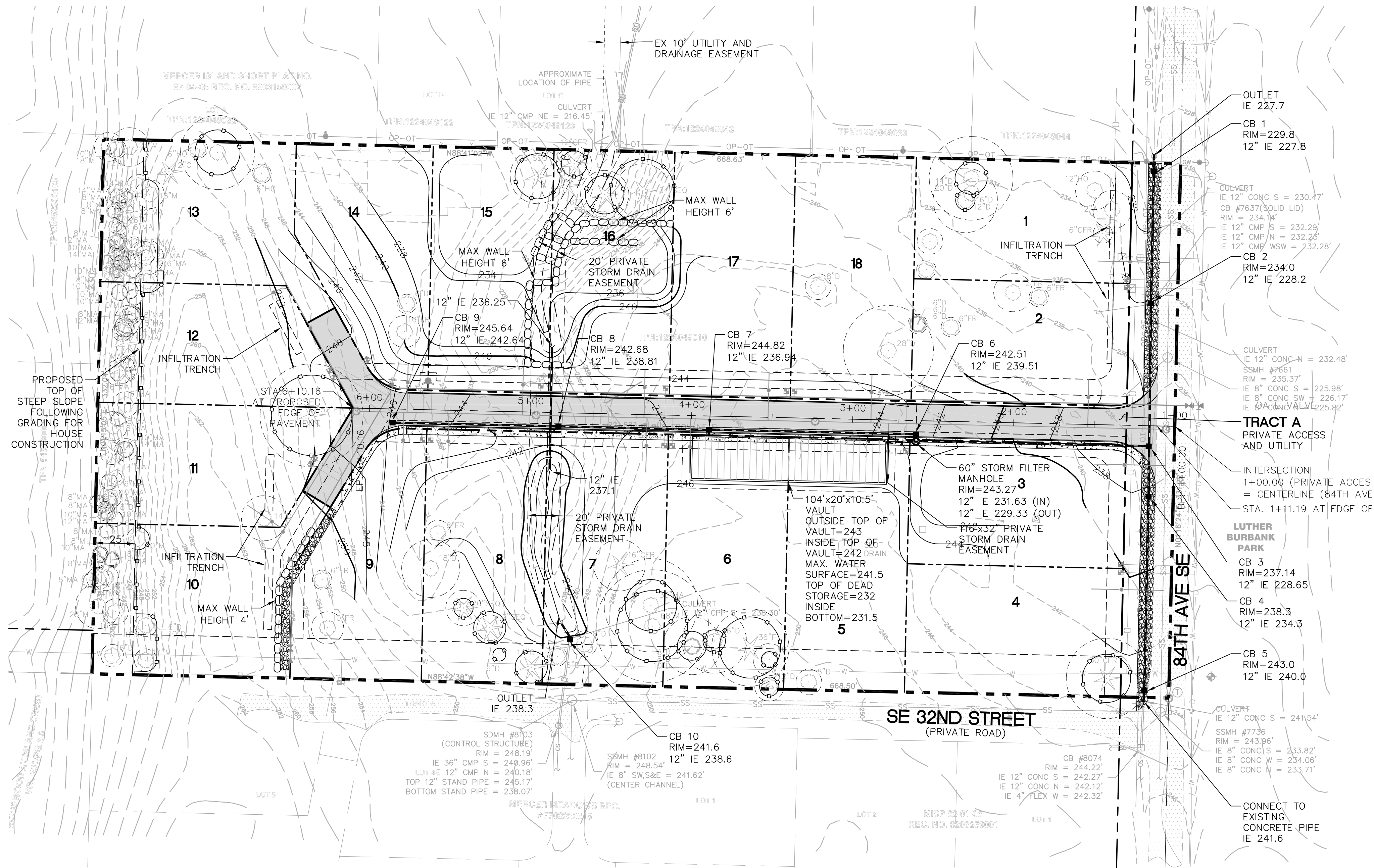
CV-01

No.	Date	By	Revision Description
1	10/7/13	PACLAND	PER CITY COMMENTS
2	10/24/13	PACLAND	PER CITY COMMENTS
3	12/24/13	PACLAND	PER CITY COMMENTS
Issue Date:			10/4/2013
Designed By:			SRB
Drawn By:			JMA/AKP
Checked By:			SRB
Project No.			50335002



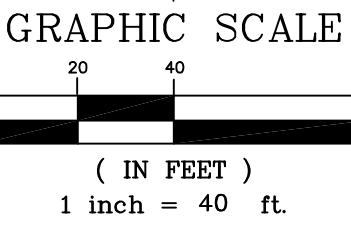
NE 1/4, SEC. 12, TWP. 24 N., RGE. 4 E., W.M.

EXHIBIT 1.3



LEGEND

- PROPERTY LINE
- STORM DRAIN PIPE
- CATCH BASIN TYPE 1
- STORM DRAIN CLEANOUT
- ROCKERY
- 248 FINISH GRADE CONTOUR
- DETENTION VAULT
- VAULT ACCESS RISER
- STORMFILTER MANHOLE
- DRIPLINE (APPROX) FOR TREE TO BE RETAINED
- TREE PROTECTION TO BE PROVIDED WITH ORANGE CONSTRUCTION FENCING
- ORANGE CONSTRUCTION FENCING



TREE LEGEND

- 12"A ALDER
- 12"B BIRCH
- 12"COT COTTONWOOD
- 12"CY CHERRY
- 12"D DECIDUOUS
- 12"FR FRUIT
- 12"HO HOLLY
- 12"M MAPLE
- 12"MA MADRONA
- 12"RH RHODODENDRON
- 12"YEW YEW
- 12"C CEDAR
- 12"CFR CONIFER
- 12"F FIR
- 12"H HEMLOCK
- 12"P PINE
- 12"SEO SEQUOIA
- LAUREL HEDGE

NOTES

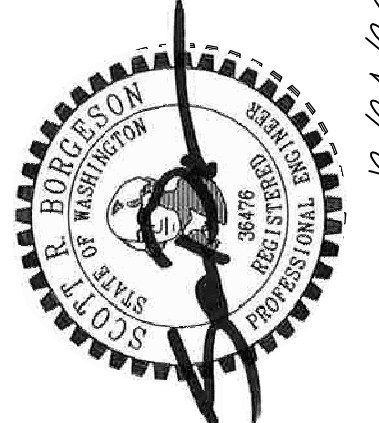
- ALL EXISTING ONSITE STRUCTURES AND VEGETATION TO BE REMOVED UNLESS OTHERWISE SHOWN.
- EARTHWORK QUANTITIES HAVE BEEN PRELIMINARILY CALCULATED TO BE 18,000 CY (CUT), 22,000 CY (FILL), OR 4,000 CY (NET FILL).

PAD ELEVATIONS

LOT #	Pad Elevation	
	Upper	Lower
1	235	
2	238	
3	240	
4	243	
5	248	
6	246	
7	246	242
8	249	240
9	251	
10	254	
11	250	
12	250	
13	250	
14	248	238
15	246	234
16	245	235
17	245	235
18	245	

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PACLAND

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F (425) 453-8208
www.PacLand.com

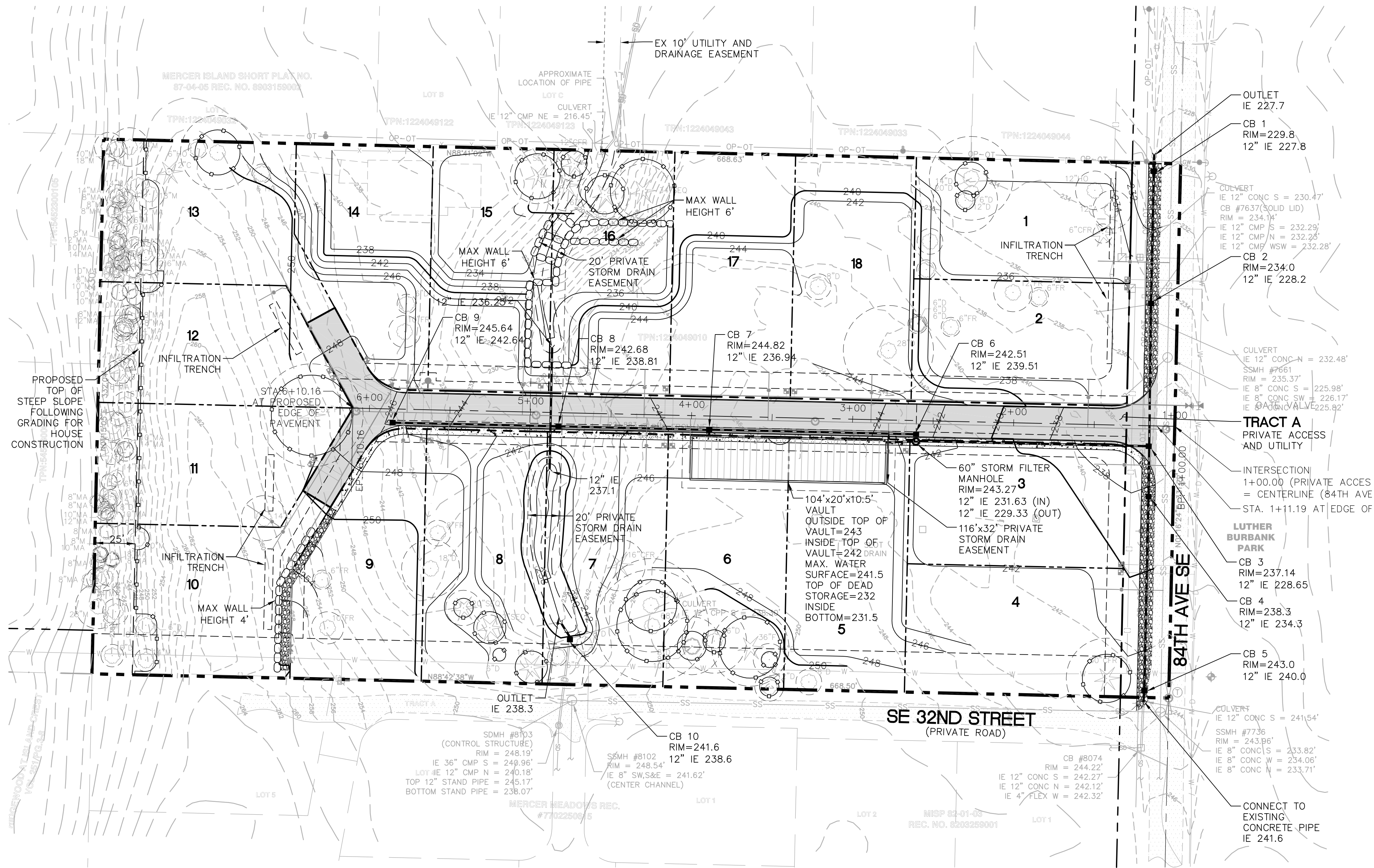
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PHASE 1 GRADING AND DRAINAGE PLAN

C-10

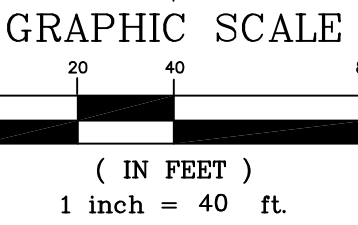
NE 1/4, SEC. 12, TWP. 24 N., RGE. 4 E., W.M.

EXHIBIT 1.4



LEGEND

- PROPERTY LINE
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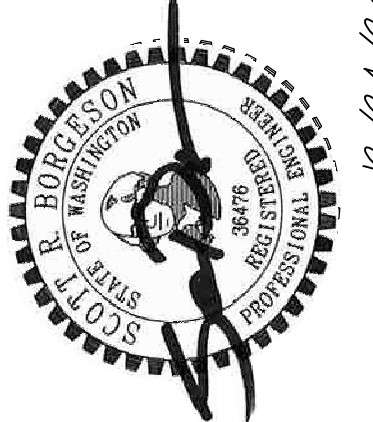
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15	246	234
16	245	235
17	245	235
18	245	

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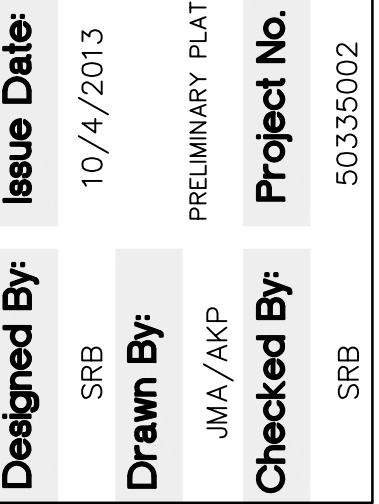
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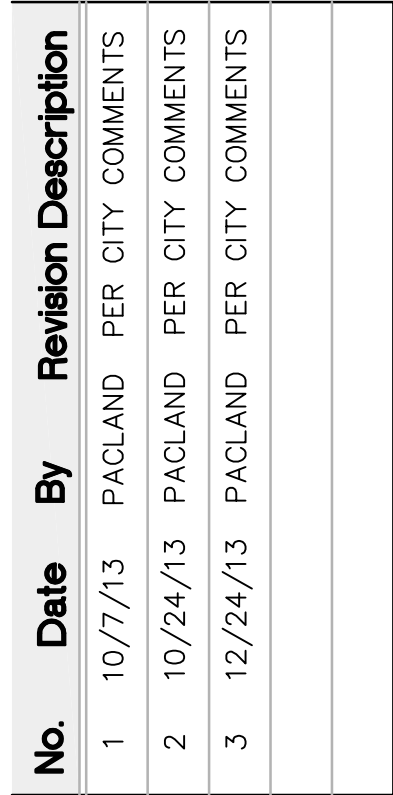
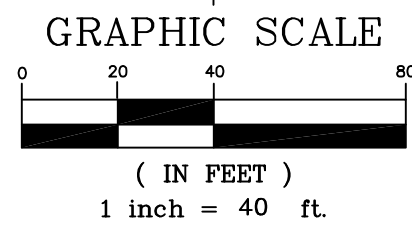
11400 SE 8th St.
Suite 345
Bellevue, WA 98004

COVAL PROPERTY

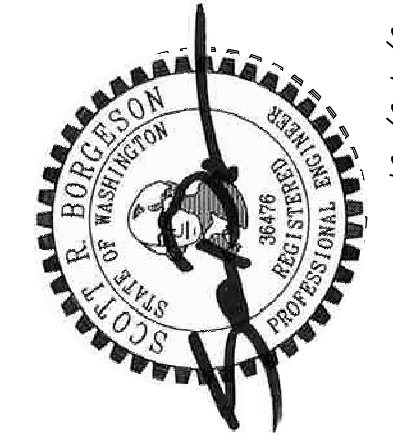
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3051 84TH AVENUE SE
MERCER ISLAND, WA 98040

PHASE 2 GRADING AND DRAINAGE PLAN

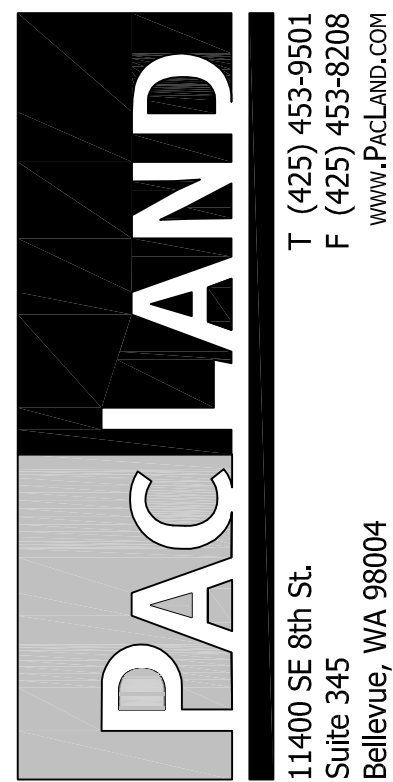




Designed By:	SRB	Issue Date:	10/4/2013
Drawn By:	JMA /AKP	Project No.	50335002
		PRELIMINARY PLAT	



12/24/2013



11400 SE 8th St.
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Bellevue, WA 98004
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www.PacLand.com

COVAL PROPERTY
MI 84TH PARTNERSHIP
3051 84TH AVENUE SE
MERCER ISLAND, WA 98040

PRELIMINARY UTILITY PLAN

LEGEND

PROPERTY LINE
PROPOSED R.O.W.
PROPOSED LOT LINE

GRAPHIC SCALE

(IN FEET)
1 inch = 40 ft.

TREE LEGEND

12"A ALDER
12"B BIRCH
12"COT COTTONWOOD
12"CY CHERRY
12"D DECIDUOUS
12"FR FRUIT
12"HO HOLLY
12"M MAPLE
12"MA MADRONA
12"RH RHODODENDRON
12"YEW YEW
12"C CEDAR
12"CFR CONIFER
12"F FIR
12"H HEMLOCK
12"P PINE
12"SEQ SEQUOIA
LAUREL HEDGE

TREE ASSESSMENT LEGEND

HEALTHY/STRUCTURALLY SOUND TREES
TREES WITH HEALTH/STRUCTURAL ISSUES
FRUIT TREES
UNREGULATED TREES

TREE ASSESSMENT TABLES SHOWN BELOW
ARE BASED ON ARBORIST REPORTS BY
GREENFOREST INC. DATED 9/20/13, 9/21/13.

HEALTHY/STRUCTURALLY SOUND TREES

Qty Trees in Category = 89

Tree No.	Tree Type	Health	Structure	DBH	Tree No.	Tree Type	Health	Structure	DBH
7000	Chestnut	1	1	32"	7108	Ginkgo	1	1	8"
7001	Chestnut	1	1	16" 18" 22"	7107	Magnolia	1	1	10"
7002	Pine	1	1	8"	7108	beech	1	1	6"
7008	Alaska weeping cedar	1	1	8" 8"	7109	beech	1	1	8" 8"
7013	Birch	1	1	10" 14"	7117	Doug-fir	1	1	42"
7022	English hawthorn	1	1	2" 10"	7121	Bigleaf maple	1	1	22"
7024	Pine	1	1	2" 8"	7125	Western red-cedar	1	1	2"
7027	American holly	1	1	28"	7128	Bigleaf maple	1	1	18"
7028	Filbert	1	1	6" 6" 6"	7129	Bigleaf maple	1	1	14"
7039	Moss cypress	1	1	6"	7132	Bigleaf maple	1	1	6"
7040	Hornbeam	1	1	12"	7137	Bigleaf maple	1	1	8" 12"
7043	Laburnum	1	1	8"	7139	Bigleaf maple	1	1	6"
7045	Magnolia	1	1	8"	7141	Hemlock	1	1	4"
7050	Sequoia	1	1	34"	7147	Bigleaf maple	1	1	24"
7051	Sequoia	1	1	22"	7149	Bigleaf maple	1	1	12"
7052	Pink dogwood	1	1	12"	7150	Bigleaf maple	1	1	10" 18"
7053	Doug-fir	1	1	16"	7151	Pacific dogwood	1	1	8"
7054	Sequoia	1	1	26"	7152	Hemlock	1	1	4"
7058	English hawthorn	1	1	6"	7153	Hemlock	1	1	2"
7059	Yew	1	1	6"	7154	Hemlock	1	1	2"
7060	Yew	1	1	6"	7156	Hemlock	1	1	2"
7061	beech	1	1	10"	7159	Hemlock	1	1	2"
7063	Magnolia	1	1	6" 8"	7169	Hemlock	1	1	4"
7064	Birch	1	1	14"	7170	Madrone	1	1	14"
7065	Pawlonia	1	1	10"	7171	Hemlock	1	1	6"
7066	Birch	1	1	10"	7173	Bigleaf maple	1	1	12" 14"
7068	camellia	1	1	6"	7169	Hemlock	1	1	4"
7069	English hawthorn	1	1	6"	7174	Doug-fir	1	1	20"
7070	Chestnut	1	1	12"	7185	Chestnut	1	1	14"
7071	Robinia (locust)	1	1	6"	7210	Walnut	1	1	6"
7072	Kentucky coffee tree	1	1	10"	7211	Bigleaf maple	1	1	8"
7073	Oak	1	1	10"	7212	Bigleaf maple	1	1	14"
7074	Filbert	1	1	6"	7213	English hawthorn	1	1	6"
7078	Sequoia	1	1	12"	7214	Bigleaf maple	1	1	16"
7079	Sequoia	1	1	20"	7215	Bigleaf maple	1	1	28"
7082	English hawthorn	1	1	6"	7222	Bigleaf maple	1	1	10"
7086	incense cedar	1	1	14"	7223	Bigleaf maple	1	1	22"
7087	Portugal laurel	1	1	8"	7225	Bigleaf maple	1	1	10"
7088	Atlas cedar	1	1	16"	7231	Bigleaf maple	1	1	8" 10"
7095	English hawthorn	1	1	8"	7238	Pacific dogwood	1	1	8"
7096	Doug-fir	1	1	36"	7242	Hemlock	1	1	2"
7101	Linden	1	1	18"	7244	Hemlock	1	1	6"
7103	English hawthorn	1	1	8"	7250	Chestnut	1	1	14" 14"
7104	Walnut	1	1	8"	7266	Styrax	1	1	6"
7105	Pacific dogwood	1	1	8"					

TREES WITH HEALTH/STRUCTURAL ISSUES

Qty Trees in Category = 98

Tree No.	Tree Type	Health	Structure	DBH	Tree No.	Tree Type	Health	Structure	DBH
7003	Crabapple	1	2	12"	7161	Madrone			10"
7004	Apple	1	3	14"	7162	Madrone			10"
7007	Apple	2	3	14"	7163	Madrone			10"
7011	Pink silk tree	1	3	6" 8"	7164	Madrone			8" 12"
7012	Birch	1	3	28"	7165	Madrone			8"
7018	American holly	2	1	2" 10"	7166	Madrone			18"
7019	English hawthorn	2	2	10"	7167	Madrone			14"
7033	English hawthorn	3	2	10"	7168	Madrone			12"
7044	Pine	1	2	6" 8"	7172	Madrone			16"
7055	Madrone	2	1	30"	7175	Bigleaf maple	2	2	12" 12" 16"
7057	Madrone	2	1	24"	7176	DEC	3	3	14"
7062	katsura	2	1	6" 10" 10"	7177	Madrone	2	2	28"
7067	Pacific dogwood	2	1	8"	7178	Pacific dogwood	2	2	8"
7085	English hawthorn	2	2	6"	7179	Apple	2	2	6" 10" 10"
7090	Madrone	2	1	30"	7180	Madrone	2	3	8"
7091	Bigleaf maple	2	3	68"	7181	Chestnut	1	2	10" 10"
7092	English hawthorn	1	2	8" 8"	7182	Madrone	2	2	8"
7093	English hawthorn	1	2	16"	7183	Madrone	2	2	12"
7102	Doug-fir	1	2	52"	7184	Madrone	2	3	24"
7114	Pacific dogwood	2	1	6" 6"	7187	Bigleaf maple	2	3	8"
7115	Doug-fir	1	3	12"	7188	Madrone	2	2	24" 24"
7116	Bigleaf maple	2	2	10"	7193	Madrone	2	2	10"
7118	Bigleaf maple	2	3	60"	7194	Madrone	2	2	14"
7119	Bigleaf maple	1	2	20"	7195	Madrone	2	2	10"
7120	Bigleaf maple	1	2	26"	7199	Madrone	2	2	14"
7126	Bigleaf maple	1	2	6"	7200	Madrone	2	2	12"
7127	Bigleaf maple	1	2	8"	7203	Madrone	2	2	10"
7130	Madrone			14"	7216	Doug-fir	1	2	32"
7131	Madrone			22"	7217	Madrone	2	2	14"
7133	Madrone			6"	7218	Madrone			16"
7134	Madrone			6"	7219	Madrone			8"
7135	Madrone			12"	7220	Madrone			18"
7136	Madrone			10"	7224	Bigleaf maple	1	2	6"
7138	Madrone			6"	7226	Madrone			16"
7140	Madrone			12"	7227	Madrone			14"
7142	Madrone			8"	7228	Madrone			8"
7143	Madrone			8"	7229	Madrone			8"
7144	Bigleaf maple	1	2	8"	7230	Madrone			8" 8"
7145	Madrone			14"	7232	Madrone			8"
7146	Madrone			14"	7234	Madrone			10"
7148	Madrone			22"	7235	Madrone			10" 12"
7155	Madrone	8" 10"	2	2	7236	Madrone			8"
7157	Madrone			10"	7237	Madrone			8"
7158	Madrone			14"	7239	Madrone			10"
7160	Madrone			8"	7240	Madrone			10"

FRUIT TREES

Qty Trees in Category = 54

Tree No.	Tree Type	Health	Structure	DBH	Tree No.	Tree Type	Health	Structure	DBH
7009	Plum	2	3	12"	7241	Madrone			8"
7010	Apple	2	1	8"	7243	Madrone			14"
7014	Plum	1	1	6"	7245	Madrone			10" 14"
7015	Apple	1	1	6"	7247	Doug-fir	1	2	50"
7016	Apple	1	1	12"	7252	Spruce	1	2	30"
7017	Apple	1	1	12"	7256	Madrone	2	2	44"
7020	Apple	1	2	18"	7265	Pine	3	3	34"
7021	Apple	1	1	6"	7274	Magnolia	2	1	8"
7023	Apple	1	1	16"					
7025	Apple	1	1	20"					
7026	Apple	2	3	10"					
7030	Apple	1	1	6"					
7031	Apple	1	1	6"					
7032	Plum	1	1	8"					
7034	Apple	2	3	8"					
7035	Apple	2	3	12"					
7036	Plum	1	2	14" 20"					
7037	Plum	1	2	12"					
7038	Plum	1	1	3					
7042	Pear	2	1	16"					
7046	Apple	2	2	12"					
7056	Purple plum	1	1	10" 10"					
7069	Purple plum	1	1	10"					
7097	Plum	1	1	6"					
7098	Apple	1	1	8"					
7099	Apple	1	1	8"					
7100	Pear	2	2	8"					
7110	Pear	2	2	12"					
7111	Apple	2	2	12"					
7112	Apple	10" 10"	2	2					
7113	Apple	6" 8"	1	1					
7186	Cherry	1	1	8"					
7197	Cherry	1	1	8"					
7206	Apple	1	1	6"					
7207	Apple	1	1	6"					
7208	Apple	1	1	10"					
7209	Apple	1	1	10"					
7233	Cherry			6"					
7248	Pear	12"	1	2					
7249	Plum	2	1	16"					
7251	Plum	1	1	6"					
7257	Cherry	1	1	18"					
7258	Apple	1	1	18"					
7259	Cherry	1	1	10"					
7262	Cherry	2	1	18"					

UNREGULATED TREES

Qty Trees in Category = 21

Tree No.	Tree Type	Health	Structure	DBH
7029	American holly	1	1	12" 20"
7041	American holly	1	1	12"
7075	Cottonwood			38"
7076	Cottonwood			46"
7077	DEC	3	3	14"
7080	Cottonwood			32"
7081	Cottonwood			44"
7083	Cottonwood			44"
7084	Cottonwood			46"
7122	Holly, English	1	2	6"
7124	Holly, English	1	2	6"
7189	Holly, English	1	1	6"
7190	Cottonwood			20"
7191	Cottonwood			26"
7192	Cottonwood			12"
7196	Cottonwood			36"
7198	Cottonwood			28"
7201	Cottonwood			42"
7202	Cottonwood			16"
7204	Holly, English	1	1	6"
7273	American holly	1	1	12"

No.	Date	By	Revision Description
1	12/24/13	PACLAND	PER CITY COMMENTS

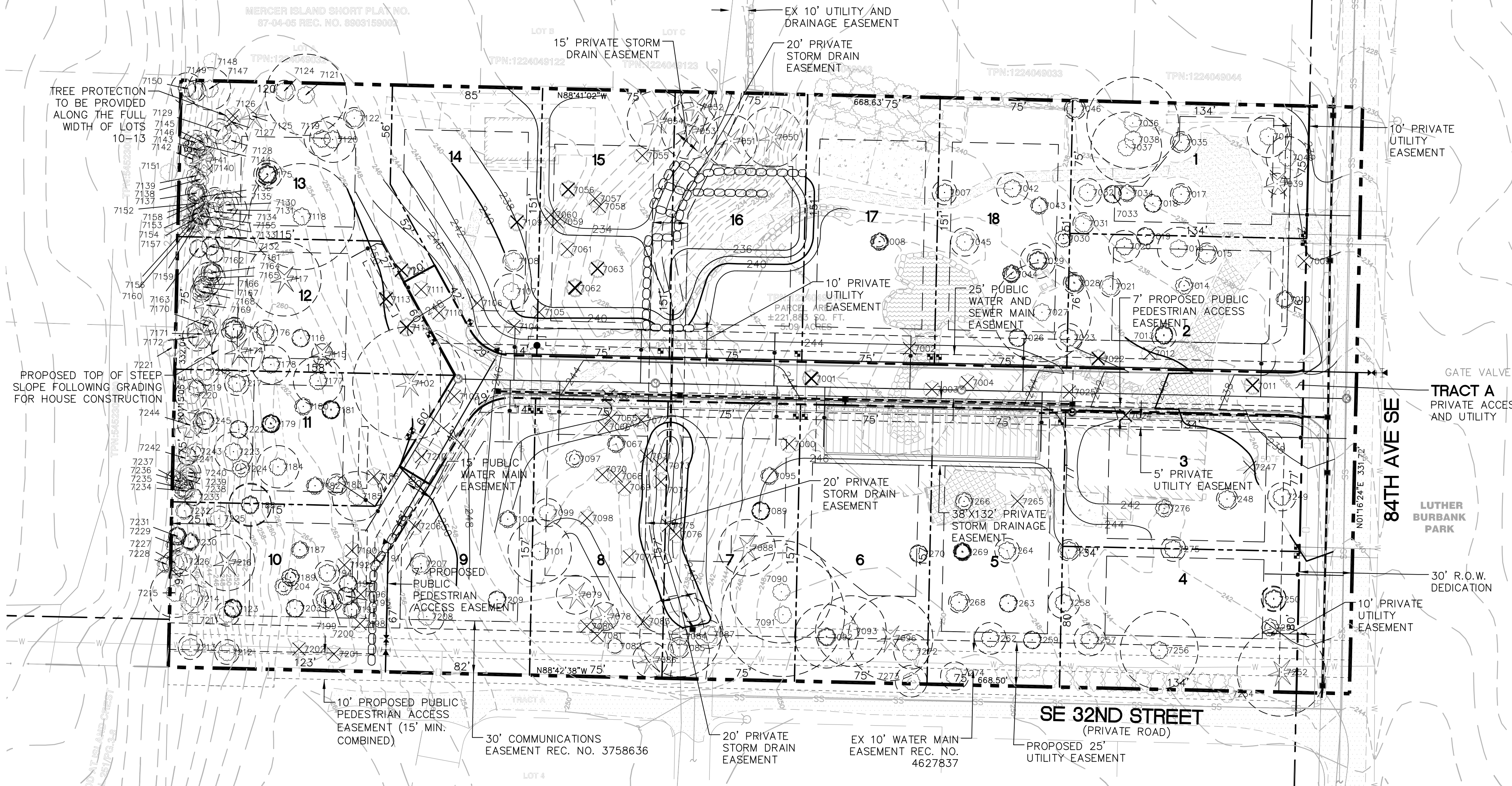
Issue Date:	12/5/2013
Designed By:	SRB
Drawn By:	DSM
Checked By:	FIG
Project No.	50335002
	PRELIMINARY PLAT

FRED GLICK | DESIGN
LANDSCAPE ARCHITECTURE
MASTER PLANNING
URBAN DESIGN
7444 SE 41st Street
Mercer Island, WA 98040
206.498.4280
fred@fredglickdesign.com
fredglickdesign.com

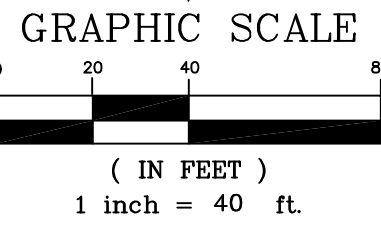
COVAL PROPERTY
MI 84TH PARTNERSHIP
3051 84TH AVENUE SE
MERCER ISLAND, WA 98040
TREE ASSESSMENT PLAN

NE 1/4, SEC. 12, TWP. 24 N., RGE. 4 E., W.M.

EXHIBIT 1.8



- LEGEND**
- PROPERTY LINE
 - PROPOSED R.O.W.
 - PROPOSED LOT LINE
 - DRIPLINE (APPROX) FOR TREE TO BE RETAINED
 - TREE TO BE RETAINED
 - TREE TO BE REMOVED
 - WATER MAIN PIPE
 - DOMESTIC WATER PIPE
 - 8" PVC SS SANITARY SEWER PIPE
 - 6" PVC SS SANITARY SIDE SEWER
 - STORM DRAIN PIPE
 - DETENTION VAULT



- TREE LEGEND**
- 12"A ALDER
 - 12"B BIRCH
 - 12"COT COTTONWOOD
 - 12"CY CHERRY
 - 12"D DECIDUOUS
 - 12"FR FRUIT
 - 12"HO HOLLY
 - 12"M MAPLE
 - 12"MA MADRONA
 - 12"RH RHODODENDRON
 - 12"YEW YEW
 - 12"C CEDAR
 - 12"CFR CONIFER
 - 12"F FIR
 - 12"H HEMLOCK
 - 12"P PINE
 - 12"SEQ SEQUOIA
 - LAUREL HEDGE

TREE ASSESSMENT TABLES SHOWN BELOW ARE BASED ON ARBORIST REPORTS BY GREENFOREST INC. DATED 9/20/13, 9/21/13.

HEALTHY/STRUCTURALLY SOUND TREES

Qty Trees in Category = 89
Qty Trees Retained = 63

Tree No.	Tree Type	Health	Structure	DBH	Tree No.	Tree Type	Health	Structure	DBH
7000	Chestnut	1	1	32"	7108	Ginkgo	1	1	8"
7001	Chestnut	1	1	16" 18" 22"	7107	Magnolia	1	1	10"
7002	Pine	1	1	8"	7108	beech	1	1	6"
7008	Alaska weeping cedar	1	1	8" 8"	7109	beech	1	1	8" 8"
7013	Birch	1	1	10" 14"	7117	Doug-fir	1	1	42"
7022	English hawthorn	1	1	2" 10"	7121	Bigleaf maple	1	1	22"
7024	Pine	1	1	2" 8"	7125	Western red-cedar	1	1	2"
7027	American holly	1	1	28"	7128	Bigleaf maple	1	1	18"
7028	Filbert	1	1	6" 6" 6"	7129	Bigleaf maple	1	1	14"
7039	Moss cypress	1	1	6"	7132	Bigleaf maple	1	1	14"
7040	Hornbeam	1	1	12"	7137	Bigleaf maple	1	1	8" 12"
7043	Laburnum	1	1	8"	7139	Bigleaf maple	1	1	6"
7045	Magnolia	1	1	8"	7141	Hemlock	1	1	4"
7050	Sequoia	1	1	34"	7147	Bigleaf maple	1	1	24"
7051	Sequoia	1	1	22"	7149	Bigleaf maple	1	1	12"
7052	Pink dogwood	1	1	12"	7150	Bigleaf maple	1	1	10" 18"
7053	Doug-fir	1	1	16"	7151	Pacific dogwood	1	1	8"
7054	Sequoia	1	1	26"	7152	Hemlock	1	1	4"
7058	English hawthorn	1	1	6"	7153	Hemlock	1	1	2"
7059	Yew	1	1	6"	7154	Hemlock	1	1	2"
7060	Yew	1	1	6"	7156	Hemlock	1	1	2"
7061	beech	1	1	10"	7159	Hemlock	1	1	2"
7063	Magnolia	1	1	6" 8"	7169	Hemlock	1	1	4"
7064	Birch	1	1	14"	7170	Madrone	1	1	14"
7065	Pawlonia	1	1	10"	7171	Hemlock	1	1	6"
7066	Birch	1	1	10"	7173	Bigleaf maple	1	1	12" 14"
7068	camellia	1	1	6"	7169	Hemlock	1	1	4"
7069	English hawthorn	1	1	6"	7174	Doug-fir	1	1	20"
7070	Chestnut	1	1	12"	7185	Chestnut	1	1	14"
7071	Robinia (locust)	1	1	6"	7210	Walnut	1	1	6"
7072	Kentucky coffee tree	1	1	10"	7211	Bigleaf maple	1	1	8"
7073	Oak	1	1	10"	7212	Bigleaf maple	1	1	14"
7074	Filbert	1	1	6"	7213	English hawthorn	1	1	6"
7078	Sequoia	1	1	12"	7214	Bigleaf maple	1	1	16"
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7082	English hawthorn	1	1	6"	7222	Bigleaf maple	1	1	10"
7086	incense cedar	1	1	14"	7223	Bigleaf maple	1	1	22"
7087	Portugal laurel	1	1	8"	7225	Bigleaf maple	1	1	10"
7088	Atlas cedar	1	1	16"	7231	Bigleaf maple	1	1	8" 10"
7095	English hawthorn	1	1	8"	7238	Pacific dogwood	1	1	8"
7096	Doug-fir	1	1	36"	7242	Hemlock	1	1	2"
7101	Linden	1	1	18"	7244	Hemlock	1	1	6"
7103	English hawthorn	1	1	8"	7250	Chestnut	1	1	14" 14"
7104	Walnut	1	1	8"	7266	Styrax	1	1	6"
7105	Pacific dogwood	1	1	8"					

TREES WITH HEALTH/STRUCTURAL ISSUES

Qty Trees in Category = 98
Qty Trees Retained = 86

Tree No.	Tree Type	Health	Structure	DBH	Tree No.	Tree Type	Health	Structure	DBH
7003	Crabapple	1	2	12"	7161	Madrone	1	1	10"
7004	Apple	1	3	14"	7162	Madrone	1	1	10"
7007	Apple	2	3	14"	7163	Madrone	1	1	10"
7011	Pink silk tree	1	3	6" 8"	7164	Madrone	1	1	8" 12"
7012	Birch	1	3	28"	7165	Madrone	1	1	8"
7018	American holly	2	1	2" 10"	7166	Madrone	1	1	18"
7019	English hawthorn	2	2	10"	7167	Madrone	1	1	14"
7033	English hawthorn	3	2	10"	7168	Madrone	1	1	12"
7044	Pine	1	2	6" 8"	7172	Madrone	1	1	16"
7055	Madrone	2	1	30"	7175	Bigleaf maple	2	2	12" 12" 16"
7057	Madrone	2	1	24"	7176	DEC	3	3	14"
7062	katsura	2	1	6" 10" 10"	7177	Madrone	2	2	28"
7067	Pacific dogwood	2	1	8"	7178	Pacific dogwood	2	2	22"
7085	English hawthorn	2	2	6"	7179	Apple	2	2	6" 10" 10"
7090	Madrone	2	1	30"	7180	Madrone	2	3	8"
7091	Bigleaf maple	2	3	68"	7181	Chestnut	1	2	10" 10"
7092	English hawthorn	1	2	8" 8"	7182	Madrone	2	2	8"
7093	English hawthorn	1	2	16"	7183	Madrone	2	2	12"
7102	Doug-fir	1	2	52"	7184	Madrone	2	3	24"
7114	Pacific dogwood	2	1	6" 6"	7187	Bigleaf maple	2	3	8"
7115	Doug-fir	1	3	12"	7188	Madrone	2	2	24" 24"
7116	Bigleaf maple	2	2	10"	7193	Madrone	2	2	10"
7118	Bigleaf maple	2	3	60"	7194	Madrone	2	2	14"
7119	Bigleaf maple	1	2	20"	7195	Madrone	2	2	10"
7120	Bigleaf maple	1	2	26"	7199	Madrone	2	2	14"
7126	Bigleaf maple	1	2	6"	7200	Madrone	2	2	12"
7127	Bigleaf maple	1	2	8"	7203	Madrone	2	2	10"
7130	Madrone	1	1	14"	7216	Doug-fir	1	2	32"
7131	Madrone	1	1	22"	7217	Madrone	2	2	14"
7133	Madrone	1	1	6"	7218	Madrone	1	1	16"
7134	Madrone	1	1	6"	7219	Madrone	1	1	8"
7135	Madrone	1	1	12"	7220	Madrone	1	1	18"
7136	Madrone	1	1	10"	7224	Bigleaf maple	1	2	6"
7138	Madrone	1	1	6"	7226	Madrone	1	1	16"
7140	Madrone	1	1	12"	7227	Madrone	1	1	14"
7142	Madrone	1	1	8"	7228	Madrone	1	1	8"
7143	Madrone	1	1	8"	7229	Madrone	1	1	8"
7144	Bigleaf maple	1	2	8"	7230	Madrone	1	1	8" 8"
7145	Madrone	1	1	14"	7232	Madrone	1	1	8"
7146	Madrone	1	1	14"	7234	Madrone	1	1	10"
7148	Madrone	1	1	22"	7235	Madrone	1	1	10" 12"
7155	Madrone	8" 10"	2	2	7236	Madrone	1	1	8"
7157	Madrone	1	1	10"	7237	Madrone	1	1	8"
7158	Madrone	1	1	14"	7239	Madrone	1	1	10"
7160	Madrone	1	1	8"	7240	Madrone	1	1	10"

FRUIT TREES

Qty Trees in Category = 54
Qty Trees Retained = 45

Tree No.	Tree Type	Health	Structure	DBH	Tree No.	Tree Type	Health	Structure	DBH
7009	Plum	2	3	12"	7263	Apple	1	1	10"
7010	Apple	2	1	8"	7264	Apple	1	1	14"
7014	Plum	1	1	6"	7267	Apple	2	1	12"
7015	Apple	1	1	6"	7268	Apple	2	2	12"
7016	Apple	1	1	12"	7269	Apple	1	1	8" 8" 8"
7017	Apple	1	1	12"	7270	Apple	2	2	10"
7020	Apple	1	2	18"	7272	Apple	1	1	10"
7021	Apple	1	1	6"	7275	Pear	2	2	14"
7023	Apple	1	1	16"	7276	Asian pear	1	1	6"
7025	Apple	1	1	20"					
7026	Apple	2	3	10"					
7030	Apple	1	1	6"					
7031	Apple	1	1	6"					
7032	Plum	1	1	8"					
7034	Apple	2	3	8"					
7035	Apple	2	3	12"					
7036	Plum	1	2	14" 20"					
7037	Plum	1	2	12"					
7042	Pear	2	1	18"					
7046	Apple	2	2	12"					
7056	Purple plum	1	1	10" 10"					
7069	Purple plum	1	1	10"					
7097	Plum	1	1	6"					
7098	Apple	1	1	8"					
7099	Apple	1	1	8"					
7100	Pear	2	2	8"					
7110	Pear	2	2	12"					
7111	Apple	2	2	12"					
7112	Apple	10" 10"	2	2					
7113	Apple	6" 8"	1	1					
7186	Cherry	1	1	8"					
7197	Cherry	1	1	8"					
7206	Apple	1	1	6"					
7207	Apple	1	1	6"					
7208	Apple	1	1	10"					
7209	Apple	1	1	10"					
7233	Cherry	1	1	6"					
7248	Pear	12"	1	2					
7249	Plum	2	1	16"					
7251	Plum	1	1	6"					
7257	Cherry	1	1	18"					
7258	Apple	1	1	18"					
7259	Cherry	1	1	10"					
7262	Cherry	2	1	18"					

UNREGULATED TREES

Qty Trees in Category = 21
Qty Trees Retained = 7

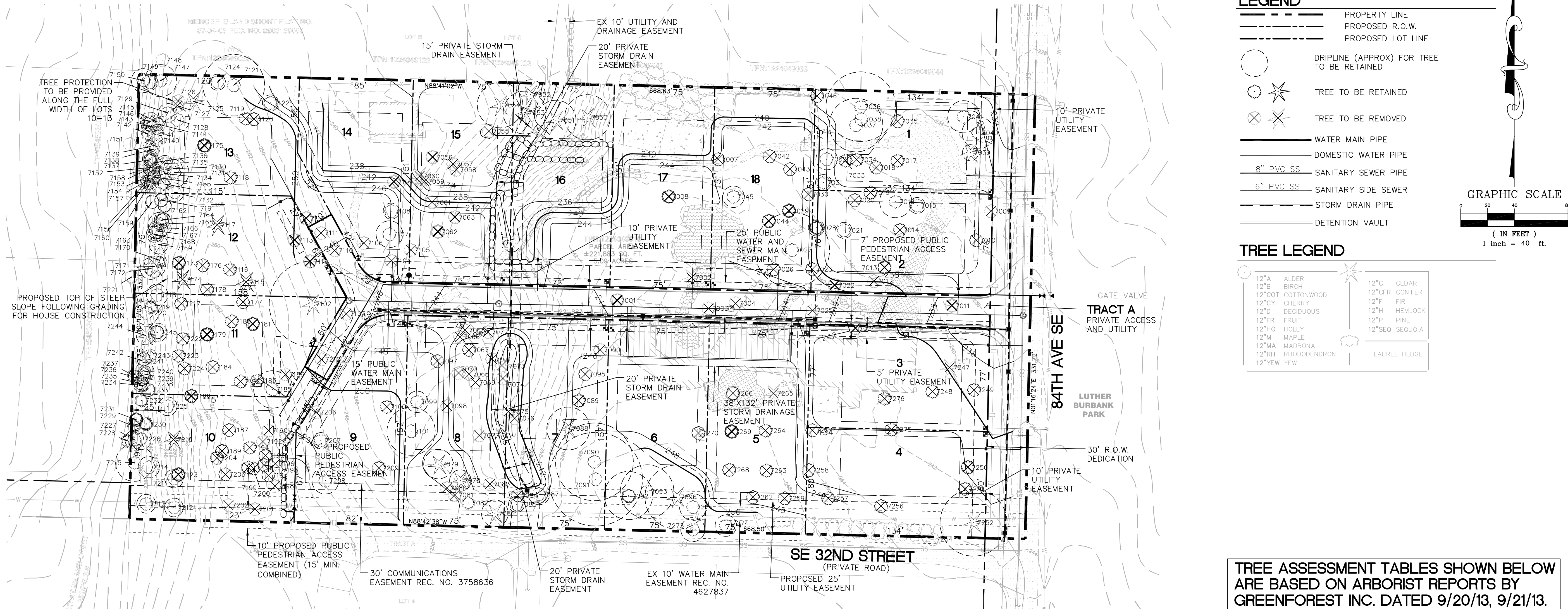
Tree No.	Tree Type	Health	Structure	DBH
7029	American holly	1	1	12" 20"
7041	American holly	1	1	12"
7075	Cottonwood			38"
7076	Cottonwood			46"
7077	DEC	3	3	14"
7080	Cottonwood			32"
7081	Cottonwood			44"
7083	Cottonwood			44"
7084	Cottonwood			46"
7122	Holly, English	1	2	6"
7124	Holly, English	1	2	6"
7189	Holly, English	1	1	6"
7190	Cottonwood			20"
7191	Cottonwood			26"
7192	Cottonwood			12"
7196	Cottonwood			36"
7198	Cottonwood			28"
7201	Cottonwood			42"
7202	Cottonwood			16"
7204	Holly, English	1	1	6"
7273	American holly	1	1	12"

No.	Date	By	Revision Description
1	12/24/13	PACLAND	PER CITY COMMENTS

Issue Date:	12/5/2013
Designed By:	SRB
Drawn By:	DSM
Checked By:	FIG
Project No.	50335002
Preliminary Plat	

LANDSCAPE ARCHITECTURE
MASTER PLANNING
URBAN DESIGN
7444 SE 41st Street
Mercer Island, WA 98040
206.498.4280
fred@fredglickdesign.com
fredglickdesign.com

COVAL PROPERTY
MI 84TH PARTNERSHIP
3051 84TH AVENUE SE
MERCER ISLAND, WA 98040
PHASE 1 TREE IMPLEMENTATION PLAN



HEALTHY/STRUCTURALLY SOUND TREES

Qty Trees in Category = 89
Qty Trees Retained = 49

Tree No.	Tree Type	Health	Structure	DBH	Tree No.	Tree Type	Health	Structure	DBH
7000	Chestnut	1	1	32"	7108	Ginkgo	1	1	8"
7001	Chestnut	1	1	16" 18" 22"	7107	Magnolia	1	1	10"
7002	Pine	1	1	8"	7108	beech	1	1	6"
7008	Alaska weeping cedar	1	1	8" 8"	7109	beech	1	1	8" 8"
7013	Birch	1	1	10" 14"	7117	Doug-fir	1	1	42"
7022	English hawthorn	1	1	2" 10"	7121	Bigleaf maple	1	1	22"
7024	Pine	1	1	2" 8"	7125	Western red-cedar	1	1	2"
7027	American holly	1	1	28"	7128	Bigleaf maple	1	1	18"
7028	Filbert	1	1	6" 6" 6"	7129	Bigleaf maple	1	1	14"
7039	Moss cypress	1	1	6"	7132	Bigleaf maple	1	1	14"
7040	Hornbeam	1	1	12"	7137	Bigleaf maple	1	1	8" 12"
7043	Laburnum	1	1	8"	7139	Bigleaf maple	1	1	6"
7045	Magnolia	1	1	8"	7141	Hemlock	1	1	4"
7050	Sequoia	1	1	34"	7147	Bigleaf maple	1	1	24"
7051	Sequoia	1	1	22"	7149	Bigleaf maple	1	1	12"
7052	Pink dogwood	1	1	12"	7150	Bigleaf maple	1	1	10" 18"
7053	Doug-fir	1	1	16"	7151	Pacific dogwood	1	1	8"
7054	Sequoia	1	1	26"	7152	Hemlock	1	1	4"
7058	English hawthorn	1	1	6"	7153	Hemlock	1	1	2"
7059	Yew	1	1	6"	7154	Hemlock	1	1	2"
7060	Yew	1	1	10"	7156	Hemlock	1	1	2"
7061	beech	1	1	10"	7159	Hemlock	1	1	2"
7063	Magnolia	1	1	6" 8"	7169	Hemlock	1	1	4"
7064	Birch	1	1	14"	7170	Madrone	1	1	14"
7065	Pawlonia	1	1	10"	7171	Hemlock	1	1	6"
7066	Birch	1	1	10"	7173	Bigleaf maple	1	1	12" 14"
7068	camellia	1	1	6"	7169	Hemlock	1	1	4"
7069	English hawthorn	1	1	6"	7174	Doug-fir	1	1	20"
7070	Chestnut	1	1	12"	7185	Chestnut	1	1	14"
7071	Robinia (locust)	1	1	6"	7210	Walnut	1	1	6"
7072	Kentucky coffee tree	1	1	10"	7211	Bigleaf maple	1	1	8"
7073	Oak	1	1	10"	7212	Bigleaf maple	1	1	14"
7074	Filbert	1	1	6"	7213	English hawthorn	1	1	6"
7078	Sequoia	1	1	12"	7214	Bigleaf maple	1	1	16"
7079	Sequoia	1	1	20"	7215	Bigleaf maple	1	1	28"
7082	English hawthorn	1	1	6"	7222	Bigleaf maple	1	1	10"
7086	incense cedar	1	1	14"	7223	Bigleaf maple	1	1	22"
7087	Portugal laurel	1	1	8"	7225	Bigleaf maple	1	1	10"
7088	Atlas cedar	1	1	16"	7231	Bigleaf maple	1	1	8" 10"
7095	English hawthorn	1	1	8"	7238	Pacific dogwood	1	1	8"
7096	Doug-fir	1	1	36"	7242	Hemlock	1	1	2"
7101	Linden	1	1	18"	7244	Hemlock	1	1	6"
7103	English hawthorn	1	1	8"	7250	Chestnut	1	1	14" 14"
7104	Walnut	1	1	8"	7266	Styrax	1	1	6"
7105	Pacific dogwood	1	1	8"					

TREES WITH HEALTH/STRUCTURAL ISSUES

Qty Trees in Category = 98
Qty Trees Retained = 51

Tree No.	Tree Type	Health	Structure	DBH	Tree No.	Tree Type	Health	Structure	DBH
7003	Crabapple	1	2	12"	7161	Madrone	1	1	10"
7004	Apple	1	3	14"	7162	Madrone	1	1	10"
7007	Apple	2	3	14"	7163	Madrone	1	1	10"
7011	Pink silk tree	1	3	6" 8"	7164	Madrone	1	1	8" 12"
7012	Birch	1	3	28"	7165	Madrone	1	1	8"
7018	American holly	2	1	2" 10"	7166	Madrone	1	1	18"
7019	English hawthorn	2	2	10"	7167	Madrone	1	1	18"
7033	English hawthorn	3	2	10"	7168	Madrone	1	1	12"
7040	Pine	1	2	6" 8"	7172	Madrone	1	1	16"
7055	Madrone	2	1	30"	7175	Bigleaf maple	2	2	12" 12" 16"
7057	Madrone	2	1	24"	7176	DEC	3	3	14"
7062	katsura	2	1	6" 10" 10"	7177	Madrone	2	2	28"
7067	Pacific dogwood	2	1	8"	7178	Pacific dogwood	2	2	22"
7085	English hawthorn	2	2	6"	7179	Apple	2	2	6" 10" 10"
7090	Madrone	2	1	30"	7180	Madrone	2	3	8"
7091	Bigleaf maple	2	3	68"	7181	Chestnut	1	2	10" 10"
7092	English hawthorn	1	2	8" 8"	7182	Madrone	2	2	8"
7093	English hawthorn	1	2	16"	7183	Madrone	2	2	12"
7102	Doug-fir	1	2	52"	7184	Madrone	2	3	24"
7114	Pacific dogwood	2	1	6" 6"	7187	Bigleaf maple	2	3	8"
7115	Doug-fir	1	3	12"	7188	Madrone	2	2	24" 24"
7116	Bigleaf maple	2	2	10"	7193	Madrone	2	2	10"
7118	Bigleaf maple	2	3	60"	7194	Madrone	2	2	14"
7119	Bigleaf maple	1	2	20"	7195	Madrone	2	2	10"
7120	Bigleaf maple	1	2	26"	7199	Madrone	2	2	14"
7126	Bigleaf maple	1	2	6"	7200	Madrone	2	2	12"
7127	Bigleaf maple	1	2	8"	7203	Madrone	2	2	10"
7130	Madrone	1	1	14"	7216	Doug-fir	1	2	32"
7131	Madrone	1	1	22"	7217	Madrone	2	2	14"
7133	Madrone	1	1	6"	7218	Madrone	1	1	16"
7134	Madrone	1	1	6"	7219	Madrone	1	1	8"
7135	Madrone	1	1	12"	7220	Madrone	1	1	18"
7136	Madrone	1	1	10"	7224	Bigleaf maple	1	2	6"
7138	Madrone	1	1	6"	7226	Madrone	1	1	16"
7140	Madrone	1	1	12"	7227	Madrone	1	1	14"
7142	Madrone	1	1	8"	7228	Madrone	1	1	8"
7143	Madrone	1	1	8"	7229	Madrone	1	1	8"
7144	Bigleaf maple	1	2	8"	7230	Madrone	1	1	8" 8"
7145	Madrone	1	1	14"	7232	Madrone	1	1	8"
7146	Madrone	1	1	14"	7234	Madrone	1	1	10"
7148	Madrone	1	1	22"	7235	Madrone	1	1	10" 12"
7155	Madrone	8" 10"	2	2	7236	Madrone	1	1	8"
7157	Madrone	1	1	10"	7237	Madrone	1	1	8"
7158	Madrone	1	1	14"	7239	Madrone	1	1	10"
7160	Madrone	1	1	8"	7240	Madrone	1	1	10"

FRUIT TREES

Qty Trees in Category = 54
Qty Trees Retained = 8

Tree No.	Tree Type	Health	Structure	DBH	Tree No.	Tree Type	Health	Structure	DBH
7009	Plum	2	3	12"	7263	Apple	1	1	10"
7010	Apple	2	1	8"	7264	Apple	1	1	14"
7014	Plum	1	1	6"	7267	Apple	2	1	12"
7015	Apple	1	1	6"	7268	Apple	2	2	12"
7016	Apple	1	1	12"	7269	Apple	1	1	8" 8" 8"
7017	Apple	1	1	12"	7270	Apple	2	2	10"
7020	Apple	1	2	18"	7272	Apple	1	1	10"
7021	Apple	1	1	6"	7275	Pear	2	2	14"
7023	Apple	1	1	16"	7276	Asian pear	1	1	6"
7025	Apple	1	1	20"					
7026	Apple	2	3	10"					
7030	Apple	1	1	6"					
7031	Apple	1	1	6"					
7032	Plum	1	1	8"					
7034	Apple	2	3	8"					
7035	Apple	2	3	12"					
7036	Plum	1	2	14" 20"					
7037	Plum	1	2	12"					
7042	Pear	2	1	18"					
7046	Apple	2	2	12"					
7056	Purple plum	1	1	10" 10"					
7069	Purple plum	1	1	10"					
7097	Plum	1	1	6"					
7098	Apple	1	1	8"					
7099	Apple	1	1	8"					
7100	Pear	2	2	8"					
7110	Pear	2	2	12"					
7111	Apple	2	2	12"					
7112	Apple	10" 10"	2	2					
7113	Apple	6" 8"	1	1					
7186	Cherry	1	1	8"					
7197	Cherry	1	1	8"					
7206	Apple	1	1	6"					
7207	Apple	1	1	6"					
7208	Apple	1	1	10"					
7209	Apple	1	1	10"					
7233	Cherry	1	1	6"					
7248	Pear	12"	1	2					
7249	Plum	2	1	16"					
7251	Plum	1	1	6"					
7257	Cherry	1	1	18"					
7258	Apple	1	1	18"					
7259	Cherry	1	1	10"					
7262	Cherry	2	1	18"					

TREE ASSESSMENT TABLES SHOWN BELOW
ARE BASED ON ARBORIST REPORTS BY
GREENFOREST INC. DATED 9/20/13, 9/21/13.

UNREGULATED TREES

Qty Trees in Category = 21
Qty Trees Retained = 4

Tree No.	Tree Type	Health	Structure	DBH
7029	American holly	1	1	12" 20"
7041	American holly	1	1	12"
7075	Cottonwood			38"
7076	Cottonwood			46"
7077	DEC	3	3	14"
7080	Cottonwood			32"
7081	Cottonwood			44"
7083	Cottonwood			44"
7084	Cottonwood			46"
7122	Holly, English	1	2	6"
7124	Holly, English	1	2	6"
7189	Holly, English	1	1	6"
7190	Cottonwood			20"
7191	Cottonwood			26"
7192	Cottonwood			12"
7196	Cottonwood			36"
7198	Cottonwood			28"
7201	Cottonwood			42"
7202	Cottonwood			16"
7204	Holly, English	1	1	6"
7273	American holly	1	1	12"

No.	Date	By	Revision Description
1	12/24/13	PACLAND	PER CITY COMMENTS

Issue Date:	12/5/2013
Designed By:	SRB
Drawn By:	DSM
Checked By:	FIG
Project No.	50335002
Preliminary Plat	

LANDSCAPE ARCHITECTURE
MASTER PLANNING
URBAN DESIGN
FRED GLICK | DESIGN

COVAL PROPERTY
MI 84TH PARTNERSHIP
3051 84TH AVENUE SE
MERCER ISLAND, WA 98040
PHASE 2 TREE IMPLEMENTATION PLAN

EXHIBIT 2



CITY OF MERCER ISLAND
9611 SE 36th Street • Mercer Island, WA 98040-3732
PHONE (206) 275-7605 • FAX (206) 275-7726
www.mercer.gov.org • www.mybuildingpermit.com

RECEIVED

JUL 30 2013

CITY OF MERCER ISLAND
DEVELOPMENT SERVICES

Development Application

STREET ADDRESS/LOCATION 3051 84th Avenue SE Mercer Island, WA 98040		Zone R-9.6	OFFICE USE ONLY		
COUNTY ASSESSOR PARCEL # S 122404-9010		Parcel size (sq. ft.) 221,975	PERMIT # 20813-009 SEP13-031	RECEIPT # 134802 134802	FEE 12,443.43 415.09
			DATE RECEIVED 7/30/13	BY GAS	

PROPERTY OWNER Meyer/Barbara Coval	ADDRESS 3051 84th Avenue SE, Mercer Island, WA. 98040	CELL/OFFICE: E-MAIL:
PROJECT CONTACT NAME Wes Giesbrecht, MI 84th Limited Partnership	ADDRESS 15080 North Bluff Road, White Rock, B.C. V4B5C1	CELL/OFFICE: (206) 749-9600 E-MAIL: atlin@gwestoffice.net
TENANT NAME	ADDRESS	CELL PHONE: E-MAIL:

DECLARATION: I HEREBY STATE THAT I AM THE OWNER OF THE SUBJECT PROPERTY OR I HAVE BEEN AUTHORIZED BY THE OWNER(S) OF THE SUBJECT PROPERTY TO REPRESENT THIS APPLICATION, AND THAT THE INFORMATION FURNISHED BY ME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE

[Signature] Wes Giesbrecht on behalf of MI 84th Limited Partnership 7-23-13
SIGNATURE DATE:

PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):

Construct an 18-lot single-family residential development on an existing parcel consisting of approximately 5.1 acres.

(PLEASE USE ADDITIONAL PAPER IF NEEDED) ATTACH RESPONSE TO DECISION CRITERIA IF APPLICABLE

CHECK TYPE OF USE PERMIT(S) REQUESTED (APPLICABLE):

*A 3% TECHNOLOGY FEE IS INCLUDED IN EACH OF THE FEES BELOW

APPEALS <input type="checkbox"/> Land use \$669.50 CRITICAL AREAS <input type="checkbox"/> Determination \$2,073.39 <input type="checkbox"/> Reasonable Use Exception \$4,147.81 DESIGN REVIEW <input type="checkbox"/> Review of sign & colors \$331.66 <input type="checkbox"/> \$0-5,000 \$553.11 <input type="checkbox"/> \$5,001-25,000 \$1,382.26 <input type="checkbox"/> \$25,001-50,000 \$2,074.42 <input type="checkbox"/> Over \$50,000 \$3,179.61 DEVIATIONS <input type="checkbox"/> Changes/antenna \$1,382.26 <input type="checkbox"/> Change to Open Space \$1,382.26 <input type="checkbox"/> Fence Height \$691.13	DEVIATIONS (CONTINUED) <input type="checkbox"/> Setback Critical Areas \$2,073.39 <input type="checkbox"/> Impervious Surface \$2,074.42 <input type="checkbox"/> Shoreline \$2,765.55 <input type="checkbox"/> Wet Season Construction Moratorium \$846.66 ENVIRONMENTAL REVIEW (SEPA CHECKLIST) <input checked="" type="checkbox"/> Residential \$415.09 <input type="checkbox"/> Non-residential \$1,382.26 <input type="checkbox"/> Environmental Impact St. \$2,074.42 SHORELINE MANAGEMENT <input type="checkbox"/> Exemption \$138.02 <input type="checkbox"/> Permit Revision \$553.11 <input type="checkbox"/> Recreation-modify \$553.11 <input type="checkbox"/> Recreation-new \$1,382.26 <input type="checkbox"/> Substantial Dev. Permit \$1,382.26	SUBDIVISION LONG PLAT <input type="checkbox"/> 2-3 Lots \$6,913.36 <input type="checkbox"/> 4-5 Lots \$9,678.91 <input checked="" type="checkbox"/> 6 or greater \$12,443.43 <input type="checkbox"/> Long Plat Amendment \$3,456.68 <input type="checkbox"/> Alteration to Existing \$3,456.68 <input type="checkbox"/> Final Plat Subdivision Review \$2,765.55 SUBDIVISION SHORT PLAT <input type="checkbox"/> Two Lots \$3,456.68 <input type="checkbox"/> Three Lots \$4,147.81 <input type="checkbox"/> Four Lots \$4,838.94 <input type="checkbox"/> Variance / Acreage Limitation \$691.13 <input type="checkbox"/> Short Plat Amendment \$1,728.34 <input type="checkbox"/> Alteration to Existing \$1,728.34	VARIANCES <input type="checkbox"/> Type 1 \$2,765.55 <input type="checkbox"/> Type 2 (Single-Family Only) \$1,530.58 OTHER LAND USE <input type="checkbox"/> Accessory Dwelling Unit (ADU) \$138.02 <input type="checkbox"/> Comp Plan Amendment (CPA) \$3,179.61 <input type="checkbox"/> Conditional Use Permit (CUP) \$5,531.10 <input type="checkbox"/> Lot Line Rev.-Minor \$2,074.42 <input type="checkbox"/> Lot Line Rev.-Major \$3,456.68 <input type="checkbox"/> Lot Line Consolidation \$691.13 <input type="checkbox"/> Lot Line Amendment \$1,037.21 <input type="checkbox"/> Rezoning Action \$3,456.68 <input type="checkbox"/> Right-of-Way Encroachment Agreement \$400.78 <input type="checkbox"/> Zoning Code Text Amendment \$3,179.61
--	--	---	--

FOR CITY USE ONLY - DO NOT WRITE BELOW THIS LINE

SEPA CATEGORICALLY EXEMPT:	<input type="checkbox"/> Yes <input type="checkbox"/> No	PERMIT FEE:	
SEPA CHECKLIST REQUIRED:	<input type="checkbox"/> Yes <input type="checkbox"/> No	PERMIT FEE:	
		TOTAL FEES:	

EXHIBIT 2

Project Nos.: SUB13-009/SEP13-031

Project Name: Coval Preliminary Long Plat

Project Address: 3051 84th Avenue SE

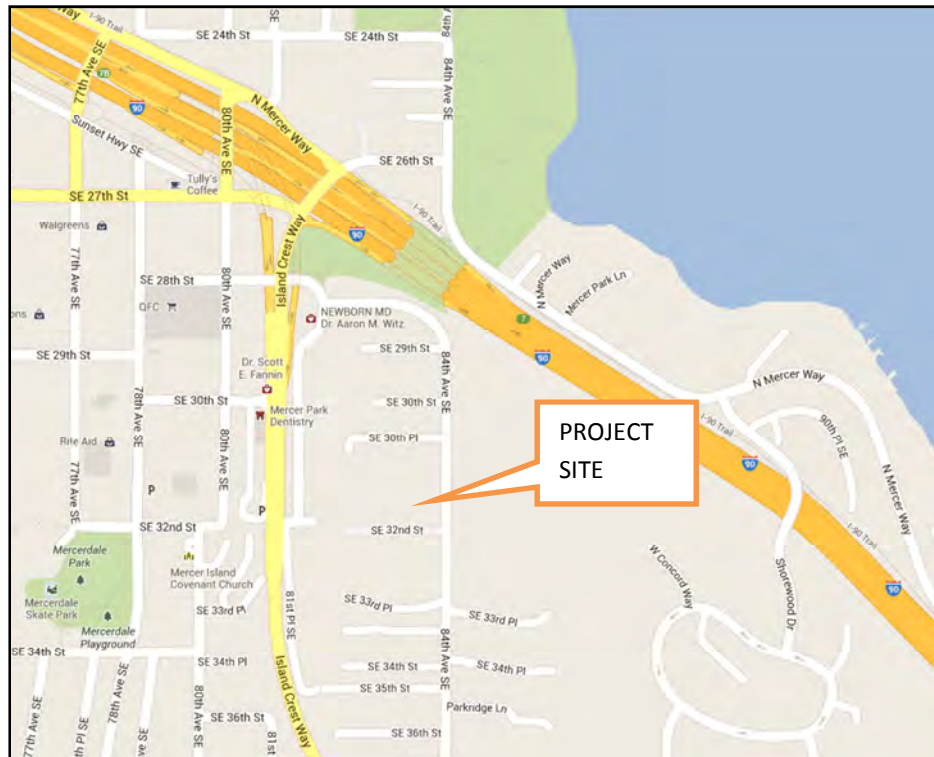
EXHIBIT 3

COVAL PROPERTY - PROPOSED 18-LOT PRELIMINARY SUBDIVISION

PROJECT NARRATIVE:

The Coval Property Residential Subdivision Project is located between SE 32nd Street and SE 30th Place west of 84th Avenue SE in Mercer Island, WA. The Site consists of 5.1-acres, and is zoned R-9.6 Single-Family. The zoning of the adjacent properties to the north, south, and east are R-9.6 Single-Family, with the properties to the west being zoned MF-2 Multi-Family.

PROJECT LOCATION



EXISTING CONDITIONS

The Site is currently occupied by a single-family residence, pool house, driveway, ornamental manmade pond, landscaping, and several trees species. There are onsite slopes exceeding 30%, which are located in the western and central portions of the site. There is a natural ravine depression which runs north south across the central portion of the site, and conveys a small portion of upstream and onsite stormwater across the Site.

PROPOSED CONDITIONS

The Project consists of the construction of eighteen (18) single-family homes with lot sizes ranging from 9,600 square-feet to 12,306 square-feet. The project consists of construction of residential driveways, stormwater management facilities, utilities, on-site landscaping and frontage improvements consisting of an 8-foot gravel shoulder. Access to the Site is from 84th Avenue SE, and consists of a 24-foot private access tract, that is located approximately 250-feet north of the intersection of SE 32nd Street and 84th Ave SE. Maximum building height will not exceed 30-feet. The Maximum Lot Coverage for all lots is 40%, as all lot slopes are less than 15%. The Maximum Gross Floor Area for each lot is 45% of the net lot area, and maximums can range from 4,320 square-feet to 5,536 square-feet.

The proposed offsite improvements consist of a 30-foot public right-of-way dedication along 84th Ave SE, with an 8-foot gravel shoulder abutting the existing edge of pavement. The roadside ditch along the property frontage will be filled, and will be replaced with a 12-inch culvert. Connections to the existing 8-inch sanitary sewer main, and water service connections for lots 1-4 will be made within 84th Ave SE.

The total estimated construction cost and estimated fair market value of the proposed project will be comparable to newly constructed residential subdivisions in the area, and will appeal to higher income homebuyers.

The estimated earthwork quantities for Site work consist of approximately 18,000 cubic-yards of cut and 22,000 cubic-yards of fill, with a net import of approximately 4,000 cubic-yards of fill material.

Site work for the proposed Project is estimated to occur between Spring and Fall of 2014. Department of Ecology approved Temporary Erosion and Sediment Control (TESC) measures will be implemented during clearing and grading, and will consist of BMP measures such as a construction entrance, interceptor swales, silt fence, inlet protection, and a sediment retention pond/vault, they will be removed when site improvements have been completed and the site is stabilized.

Careful attention was given to preserve existing trees, grading limits and building footprints were configured to avoid removal of significant trees over 4-inches in diameter. Approximately 96 trees are being retained onsite with diameters ranging from 6-inches to 68-inches. Approximately 196 trees over 4-inches in diameter are not feasible to retain, 15 of which are less desirable trees such as cottonwood and alder. A Tree Inventory/Tree Retention plan is included with the civil plans, which includes a detailed survey of trees to retained and removed.

Land dedicated to the City consists of a 30-foot row dedication along 84th Ave SE. Onsite 15-foot sanitary sewer and water main easements. A 10' public pedestrian access easement and 25-foot utility easement are provided along the south property line.

EXHIBIT 4



CITY OF MERCER ISLAND, DEVELOPMENT SERVICES GROUP
9611 S.E. 36 ST., MERCER ISLAND, WA 98040
(206) 275-7605 FAX: (206) 275-7726
WWW.MERCERGOV.ORG

ENVIRONMENTAL CHECKLIST (WAC 197-11-960)



Date Received 10/30/2013
File No. SUB13-009/5EP13-031
Fee _____
See Development Application for fees

Purpose of Checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project", "applicant," and "property or site" should be read as "proposal," "proposer", and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable:
Coval Property, Single-Family Development, Mercer Island
2. Name of applicant: Rykon Group Holdings, Inc.
3. Address and phone number of applicant and contact person:
MI 84th Limited Partnership, Contact: Wes Giesbrecht
15080 North Bluff Road
White Rock, B.C. V4B5C1
(206) 749-9600



4. Date checklist prepared: 10/25/2013

5. Agency requesting checklist:

City of Mercer Island

6. Proposed timing or schedule (including phasing, if applicable):

Construction Start: Approximate time of beginning site work (Spring, 2014)

Project Completion: Approximate time of completing site work/beginning home construction (October, 2014), duration of home construction anticipated to last a couple of years.

7. Do you have any plans for future additions, expansions, or further activity related to or connected with this proposal? If yes, explain.

No.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Axis Survey & Mapping - Tree Location Survey

Axis Survey & Mapping - Boundary & Topographical Survey

Watershed Dynamics - Critical Areas Review

Terra Associates - Geotechnical Reports

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

No.

10. List any government approvals or permits that will be needed for your proposal, if known.

N/A

*Long plat, SEPA,
associated building
permits*

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

Construct an 18-lot single-family residential development on an existing parcel with an area of approximately 5.1 acres.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The property is generally located west of Luther Burbank Park at 3051 84th Avenue SE, Mercer Island. The property is located within the NE 1/4 of Section 12, Township 24N, Range 4E, W.M. The parcel number is 122404-9010 and is zoned R-9.6.

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site (check one): Flat, rolling, hilly, steep slopes, mountainous, other...

☐ ☒ ☐ ☒ ☐ ☐

- b. What is the steepest slope on the site (approximate percent slope)?

The steepest slope is approximately 60% from ___ 2 % ___ to ___ 60 % ___ across the property.

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

The soils on the Site are mapped in the Soil Survey of King County, Washington, prepared by the U.S. Department of Agriculture, Soil Conservation Service and has classified the Site as Kitsap silt loam, with slopes ranging from 2-8% (KpB).

- d. Are there surface indications or history of unstable soils in the immediate vicinity?
If so, describe.

None to our knowledge.

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

Approximately 2,000 cubic yards of stripping debris and surplus topsoil will be exported from the project site. Approximately 40,000 cubic yards of on-site soil material will be regraded to achieve the desired grading. Approximately 400 cubic yards of gravel will be imported to construct the sub-base below the proposed roads. Imported materials will be obtained from an approved and permitted gravel pit.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Yes. Soil will be prone to erosion after clearing of existing vegetation. The impacts of soil erosion will be controlled and limited. See below item "h" for description of the erosion control measures.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Approximately 40%.

*Depends upon
grade of each
site.*

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

The impacts of soil erosion will be controlled and limited through the use of Department of Ecology approved BMP's, such as interceptor swales, silt fence and a sediment retention pond/vault.

2. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

Dust and vehicle emissions during construction. Vehicle emissions after construction from future residents.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

No.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Site will be sprinkled with water during construction as necessary to control dust.

3. Water

- a. Surface:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

A manmade ornamental pond is located on the Site.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR
AGENCY USE ONLY

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

The manmade ornamental pond will be removed and filled as part of the site development plan.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

N/A

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

No.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No, a public sanitary sewer system will be installed to serve the residential units. There will be no discharge of waste materials to surface waters.

b. Ground:

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

No groundwater will be withdrawn. Public water mains will be installed to serve the development. No water will be discharged to the groundwater.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, [containing the following chemicals...]; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Sanitary sewer flows will be discharged to the City of Mercer Island public sewer system.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including stormwater) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Onsite stormwater runoff from the paved surfaces and buildings will be collected and transported via a system of curb, gutter, catch basins and underground storm drainage pipe, etc. The stormwater will be detained in an underground vault and filtered prior to release at the site's natural discharge point at 84th Avenue SE. A portion of onsite stormwater will be infiltrated within raingardens and porous pavement facilities.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

Yes. However, it is unlikely that waste materials would be deposited to the storm drainage system from the residential portions of this project. The detention and filtering systems would provide a barrier to release of waste materials if they were to reach the drainage system.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

A City approved storm drainage system will be designed and implemented in order to mitigate any adverse impacts from storm water runoff. Temporary and permanent drainage facilities will be used to control quality and quantity of surface runoff during construction and after development.

4. Plants

- a. Check or circle types of vegetation found on the site:

<input checked="" type="checkbox"/>	deciduous tree: alder, maple, aspen, other
<input checked="" type="checkbox"/>	evergreen tree: fir, cedar, pine, other
<input checked="" type="checkbox"/>	shrubs
<input checked="" type="checkbox"/>	grass
<input type="checkbox"/>	pasture
<input type="checkbox"/>	crop or grain
<input type="checkbox"/>	wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other
<input type="checkbox"/>	water plants: water lily, eelgrass, milfoil, other
<input checked="" type="checkbox"/>	other types of vegetation

- b. What kind and amount of vegetation will be removed or altered?

The site will be stripped of existing vegetation as part of the proposed construction, although several of the existing trees will be retained. Landscaping will be installed in accordance with the provisions of the City of Mercer Island Zoning Code.

Grading to occur in stages

- c. List threatened or endangered species known to be on or near the site.

None.

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

The project will be landscaped in accordance with City of Mercer Island Zoning Code. This landscaping includes trees and shrubs as well as native vegetation.

5. Animals

- a. State any birds and animals which have been observed on or near the site or are known to be on or near the site:

Birds: hawk, heron, eagle, songbirds, other:

Mammals: deer, bear, elk, beaver, other:

Fish: bass, salmon, trout, herring, shellfish, other:

Birds: Songbirds, Crows, Bluejays. Site is approximately 1/2 mile from a known eagle's nest, but is not in a regulated area.

Mammals: Deer.

- b. List any threatened or endangered species known to be on or near the site.

None to our knowledge.

- c. Is the site part of a migration route? (If so, explain.)

Western King County as well as the rest of Western Washington, is in the migration path of a wide variety of non-tropical songbirds, and waterfowl, including many species of geese.

- d. Proposed measure to preserve or enhance wildlife, if any:

See item 4d above.

6. Energy and natural resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Electricity, natural gas and possibly solar will be used for lighting, heating, and other uses for the houses.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR
AGENCY USE ONLY

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.
No.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

The project will utilize the most energy efficient mechanical and lighting systems practical and will comply with the requirements of the Washington State Energy Code.

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.
No.

- 1) Describe special emergency services that might be required.

None.

- 2) Proposed measures to reduce or control environmental health hazards, if any:

None.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Traffic noise from nearby roads and houses should not affect the proposed development.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Short term construction noise. Long-term impacts will be those associated with the increased use of the property by homeowners.

- 3) Proposed measures to reduce or control noise impacts, if any:

Construction noise would only occur during the construction hours allowed per the City of Mercer Island code. Construction equipment will be equipped with noise mufflers.

8. Land and shoreline use

- a. What is the current use of the site and adjacent properties?

The Site currently contains a single-family residence. The adjacent properties to the north and south are predominantly single-family residential. Multifamily residences to the west, and a city owned park to the east.

- b. Has the site been used for agriculture? If so, describe.

No.

- c. Describe any structures on the site.

The property is currently developed with a large single family home with significant accessory structures and landscape features.

- d. Will any structures be demolished? If so, what?

Some of the accessory structures and landscape features may be demolished with the proposed development.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR
AGENCY USE ONLY

- e. What is the current zoning classification of the site?
R-9.6
- f. What is the current comprehensive plan designation of the site?
R-9.6
- g. If applicable, what is the current shoreline master program designation of the site?
N/A
- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.
Yes. The site contains steep slope, landslide and seismic-erosion hazard areas.
- i. Approximately how many people would reside or work in the completed project?
Approximately 42 individuals will reside in the completed residential development (18 units x 2.3 persons per household = 41.4 individuals).
- j. Approximately how many people would the completed project displace?
No people will be displaced by the project since it is currently a single family residence.
- k. Proposed measures to avoid or reduce displacement impacts, if any:
N/A.
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
The proposed development is consistent with the current zoning.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low income housing.
The completed project will provide 18 detached single-family residential homes. Homes will be priced with a market orientation to the high-income level homebuyer.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low income housing.
Two high income housing units will be eliminated (one single family residence and one accessory dwelling unit).
- c. Proposed measures to reduce or control housing impacts, if any:
N/A

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas? What is the principal exterior material(s) proposed?
The proposed home heights will conform to the City of Mercer Island Zoning Code and Design Standards, and will not exceed 30 feet. The principle exterior materials are anticipated to consist of a variety of materials, including cement board, glass (windows), asphalt shingles (roofing) and wood (trim and railings). *Height measure from average building elevation*
- b. What views in the immediate vicinity would be altered or obstructed?
The view of the existing property would be replaced with the view of a new residential housing development. The development will include landscaping.
- c. Proposed measures to reduce or control aesthetics impacts, if any:
The project has been designed in accordance with the City of Mercer Island zoning code, including the Design Standards. This effort has included enhancements to the architectural details of the proposed homes and careful site planning.

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
Light glare may occur as a result of lighting inside and on the outside of the proposed homes, including street lighting and vehicles using the Site.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?
Light or glare from the Project is not expected to be a safety hazard or to interfere with views. The project lighting will be designed to provide a safe level of lighting within the development.
- c. What existing off-site sources of light or glare may affect your proposal?
Lighting from the adjacent neighborhoods and streets will likely produce glare that will be visible from this project, as well as vehicles traveling along the area roadways.
- d. Proposed measures to reduce or control light and glare impacts, if any:
The project lighting will be designed to provide a safe level of lighting. Light fixtures will be designed to minimize any light encroachment on adjacent properties.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?
Parks and trails. There are multiple parks in close proximity to the proposed project, including Luther Burbank Park.
- b. Would the proposed project displace any existing recreational uses? If so, describe.
No.
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:
The project will create multiple open space areas that will provide passive recreation areas..
- open spaces are privately owned.*

13. Historic and cultural preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site. If so, generally describe.
No.
- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.
None exist on the subject property.
- c. Proposed measures to reduce or control impacts, if any:
No impacts will occur. If an archeological site is found during the course of construction, the State Historic Preservation Officer will be notified.

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.
Project access is provided from 84th Ave SE via a 24' right of way that is located approximately 250-feet north of the intersection of SE 32ND St and 84th Ave SE.
- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?
Yes. King County Metro Transit Routes MT 202, 205, and 892 have a stop approximately 0.3 miles from the site.
- c. How many parking spaces would the completed project have? How many would the project eliminate?
The completed project will have garage and driveway parking spaces. Each home will have a minimum of three parking spaces per lot.

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

A new public roadway will be constructed for access to the subdivision and will be directly north of the intersection of SE 32nd St and 84th Ave SE.

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No.

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

Approximately 180 daily trips would be generated by the completed project. The peak volumes would likely occur between 4-6 p.m. on weekdays.

- g. Proposed measures to reduce or control transportation impacts, if any:

N/A

15. Public services

- a. Would the project result in an increased need for public services (for example; fire protection, police protection, health care, schools, other)? If so, generally describe.

Yes, the proposal will result in an increase for those services typical of a residential development of this size and nature. The need for public services such as fire and police protection will be typical for a residential development of the size. School age children generated by this development will attend schools in the Mercer Island No. 400 School District.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

The project will pay mitigation fees to offset the impacts on public services. Each individual homeowner will pay annual property taxes for public services.

16. Utilities

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

Electricity, natural gas, water, refuse service, telephone, sanitary sewer.

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Water, sanitary sewer and storm drainage will be accommodated with public utilities available in the adjacent roadways. Electricity, telephone, natural gas and refuse service are all available from private companies.

C. SIGNATURE

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the answers to the attached SEPA Checklist are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: MI 84th Limited Partnership
by: Its General Partner Pinball Ventures Inc.
by: QMMY President

Date Submitted: 10-25-13

Internal roadway will be private. Applicant is dedicating 30 feet of right-of-way on 84th Ave SE

SEPA RULES

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

Project action - this section not required

(do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; productions, storage, or release of toxic or hazardous substances; or production of noise?

Proposed measures to avoid or reduce increases are:

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

3. How would the proposal be likely to deplete energy or natural resources?

Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Proposed measures to protect such resources or to avoid or reduce impacts are:

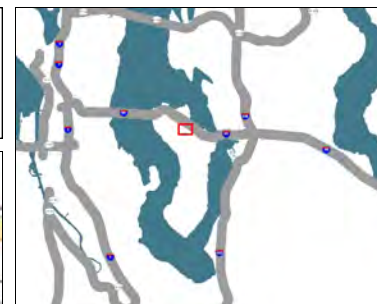
5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Proposed measures to reduce or respond to such demand(s) are:

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.



Legend

- Building
- Parks
- Ownership Parcels
- Major Roads
- Streets

1: 3,792



632.0 0 315.98 632.0 Feet

Disclaimer: These maps were developed by the City of Mercer Island and are intended to be a general purpose digital reference tool. These maps are not an accepted legal instrument for describing, establishing, recording or maintaining descriptions for property concerns or boundaries. The City makes no representation or warranty with respect to the accuracy or currency of these data sets, especially in regard to labeling of surveyed dimensions, or agreement with official sources such as records of survey, or mapped locations of features.

Notes

Enter map description here



PUBLIC NOTICE OF APPLICATION, NOTICE OF OPEN RECORD PUBLIC HEARING, AND PUBLIC MEETING PROPOSED EIGHTEEN LOT LONG PLAT

NOTICE IS HEREBY GIVEN that an application for an eighteen lot long plat has been filed with the City of Mercer Island for the property described below:

File Nos.: SUB13-009 and SEP13-031

Description of Request: A request for preliminary long plat approval to subdivide one existing parcel into eighteen (18) lots.

Applicant : Wes Giesbrecht of Mercer Island 84th Limited Partnership

Owner: Myer Coval

Location of Property: 3051 84th Avenue SE, Mercer Island WA 98040;
Identified by King County Assessor tax parcel number 122404-9010

SEPA Compliance: Following review of the submitted State Environmental Policy Act (SEPA) environmental checklist, an initial evaluation of the proposed project for probable significant adverse environmental impacts has been conducted. The City expects to issue a SEPA Determination of Non-Significance (DNS) for this project. The optional DNS process, as specified in Washington Administrative Code (WAC) 197-11-355, is being used. This may be your only opportunity to comment on the environmental impacts of the proposal. The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an Environmental Impact Statement (EIS) is prepared. A copy of the subsequent threshold determination for this specific proposal may be obtained upon request. The conditions being considered to mitigate potential environmental impacts include:

1. The applicant shall provide a five foot wide pedestrian path from 84th Ave. SE westerly adjacent to the plat access road and then south between lots 9 and 10 to the south property line. The path shall be paved along the access road then gravel to south property line. Provide a minimum seven foot wide pedestrian easement centered on the path and then ten feet along south property line of lot 10. The location and width of the path and easement may be modified with the approval of the City Engineer.
2. The applicant shall dedicate 30 feet of right-of-way along 84th Ave. SE abutting the site.
3. The applicant shall provide an 8.5 foot wide unobstructed gravel shoulder along 84th Ave. SE abutting the site as directed by the City Engineer.
4. The applicant shall inspect the condition of the existing drainage pipe on proposed lot 7 and replace if needed as directed by the City Engineer.
5. The applicant shall construct a stormwater conveyance system across the site to continue the unimpeded flow of stormwater from the existing storm

drainage system discharging onto lot 7 across the site to the north property line of proposed lot 16.

6. The applicant shall provide a 25 foot wide utility easement along the south side of plat over the existing eight inch water main.
7. The applicant shall include in the covenants, conditions, and restrictions (CC&Rs) a restriction from building fences across all easements on the site.
8. Pursuant to Mercer Island City Code (MICC) 19.10.040(B)(2), the applicant shall use "reasonable best efforts," as determined by the City Arborist, to preserve trees on site – particularly within geohazard areas. Site development (installation of utilities and other required improvements) as well as siting of residences on the proposed lots must be conducted with the priority of preserving large (regulated) trees.
9. Development on steep slopes (any slope of 40 percent or greater calculated by measuring the vertical rise over any 30-foot horizontal run) shall be minimized. MICC 19.16.010 (Development)(2)(a) defines "development" as "The alteration of the natural environment through the construction or exterior alteration of any building or structure, whether above or below ground or water, and any grading, filling, dredging, draining, channelizing, cutting, topping, or excavation associated with such construction or modification."
10. Site development and subsequent residential construction are subject to the provisions of WAC 173-60. Mitigation measures may be required to limit noise impacts from construction equipment.

Written Comments:

Written comments on this proposal may be submitted to the City of Mercer Island **on or before Wednesday, December 11, 2013 at 5:00 p.m.** either in person or mailed to the City of Mercer Island, 9611 SE 36th Street, Mercer Island, WA 98040-3732. Anyone may comment on the application, receive notice, and request a copy of the decision once made. Only those persons who submit written comments **on or before Wednesday, December 11, 2013 at 5:00 p.m.** or testify at the open record hearing **on January 15, 2014 at 7:00 p.m.** will be parties of record; and only parties of record will receive a notice of the decision and have the right to appeal.

Public Hearing and Public Meeting:

Pursuant to MICC 19.08.020(F)(3), MICC 19.15.010(E), and MICC 19.15.020(F)(1), the applicant is required to participate in both an open record public hearing in front of the Planning Commission and a subsequent public meeting with the City Council. The open record public hearing with the Planning Commission is scheduled for Wednesday, January 15, 2014. The date of the public meeting with the City Council is tentatively scheduled for February 3, 2014. Both the open record public hearing and the public meeting are held on their above specified dates in the Mercer Island City Council Chambers, starting at 7:00 PM, and located at 9611 SE 36th Street, Mercer Island, Washington.

Applicable Development Regulations:

Pursuant to MICC 19.15.010(E), an application for a preliminary long plat is required to be processed as a Discretionary Action. Processing requirements for Discretionary Actions are further detailed in MICC 19.15.020. The project will be reviewed for consistency with the following sections of the Mercer Island City Code: MICC 19.02 - Residential, MICC 19.06 – General Regulations, MICC 19.07 – Environment, MICC 19.08 - Subdivisions, MICC 19.09 – Property Development, MICC 19.15 - Administration, and MICC 19.16 - Definitions. The project is also subject to SEPA review per MICC 19.07.120, WAC 197-11, and Revised Code of Washington (RCW) 43.21C.

Other Associated Permits:

This project is required to be reviewed under the State Environmental Policy Act (SEPA). Other than SEPA review, there are currently no additional pending permit applications associated with the property. Future anticipated applications include

those associated with demolition permits, site development permits, stormwater permits, grading permits, tree permits, and building permits.

**Studies and/or
Environmental
Documents
Requested:**

Environmental documents include a SEPA environmental checklist submitted for review and threshold determination; an arborist's assessment (Greenforest Incorporated, August 2013); a watercourse review (Watershed Dynamics, March 2013); a letter conducting peer review of the applicant's watercourse review (Watershed Company, April 2013); a wetland review (Watershed Dynamics, May 2013); June 6, 2013 site review (Watershed Dynamics, June 2013); peer review of wetland review (Watershed Company, June 2013); stormwater site plan (PacLand, July 2013); geotechnical report (Terra Associates, Inc., July 2013); addendum to geotechnical report (Terra Associates, Inc., October 2013); geotechnical addendum #2 (Terra Associates, Inc., October 2013); and trip generation memorandum (Transportation Engineering Northwest, November 2013).

Appeal Rights:

Parties of record have the right to appeal the decision on this action when it is issued. Only those persons who submit written comments **on or before Wednesday, December 11, 2013 at 5:00 p.m.** or participate in the open record hearing **on January 15, 2014 at 7:00 p.m.** will become parties of record and receive the subsequent Notice of Decision on these actions and have the right to appeal. The applicant is proposing two actions subject to two separate appeal procedures:

Appeals of SEPA Threshold Determinations - If at the time of issuance of a SEPA Threshold Determination, you desire to file an appeal, you must submit the appropriate form, available from the Development Services Group, and file it with the City Clerk within fourteen (14) days from the date the SEPA Threshold Determination is signed. Upon receipt of a timely complete appeal application and appeal fee, an appeal hearing will be scheduled with the Planning Commission. To reverse, modify or remand this decision, the Planning Commission must find that there has been substantial error, the proceedings were materially affected by irregularities in procedure, the decision was unsupported by material and substantial evidence in view of the entire record, or the decision is in conflict with the city's applicable decision criteria.

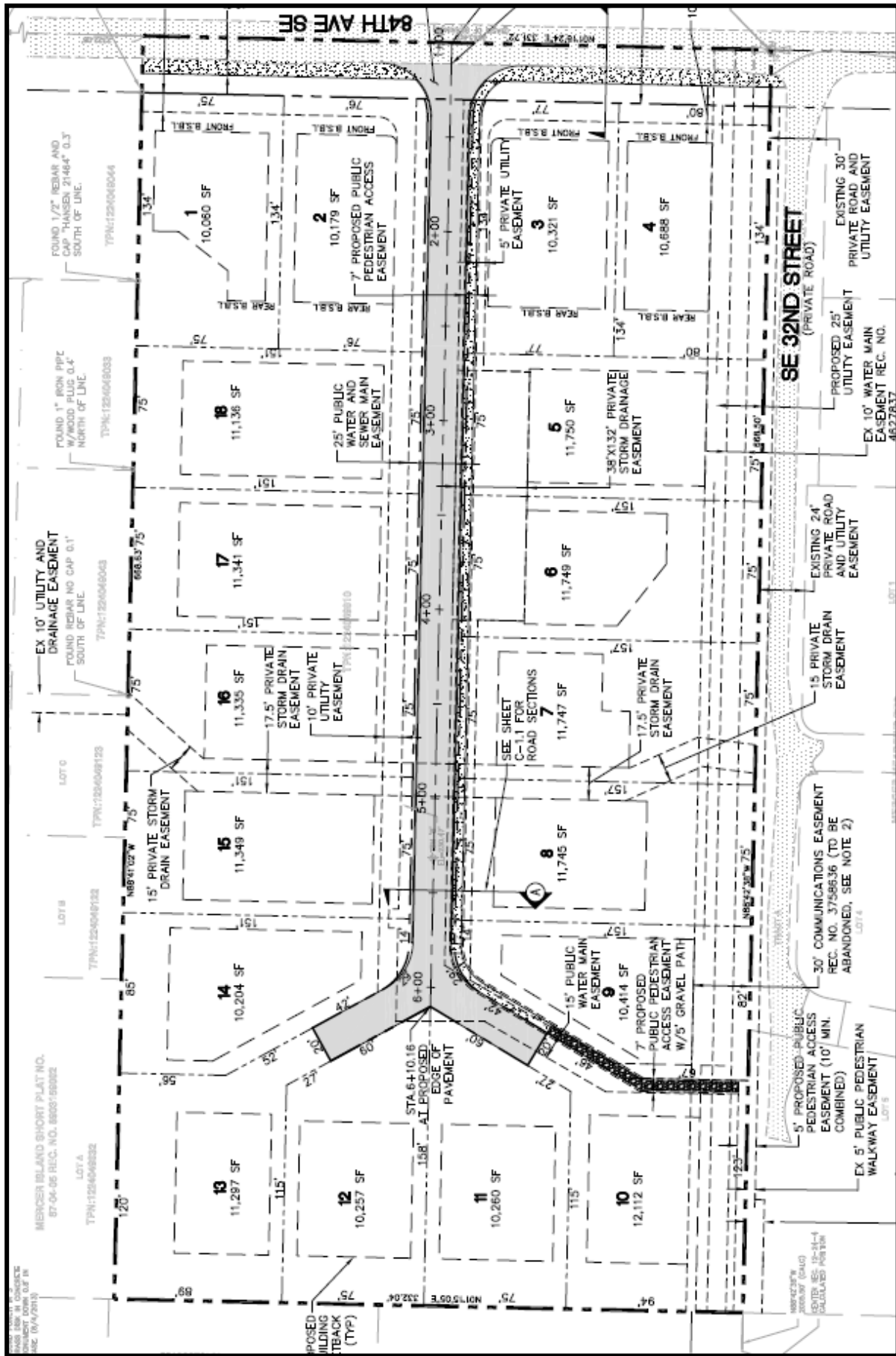
Appeals of Approval of Preliminary Long Plats -

If upon approval of the preliminary long plat, you desire to file an appeal, you must file it within twenty-one (21) days from the date the decision is signed. Appeals to preliminary long plat approval are filed with King County Superior Court. Appeals filed with King County Superior Court are subject to RCW 36.70C.

The application and SEPA environmental checklist on file on this matter are available for review at the City of Mercer Island, Development Services Group, 9611 SE 36th Street, Mercer Island, Washington. Written comments and/or requests for additional information should be referred to:

Shana Crick, Planner
Development Services Group
City of Mercer Island
9611 SE 36th Street
Mercer Island, WA 98040
(206) 275-7732
shana.crick@mercergov.org

Date of Application: July 30, 2013
Determined to Be Complete: November 8, 2013
Bulletin Notice: November 18, 2013
Date Mailed November 18, 2013
Date Posted on Site: November 18, 2013
Date Notice Published in the Newspaper: November 27, 2013
Comment Period Ends: 5:00PM on December 11, 2013



Coval 18 Lot Long Plat
 3051 84th Avenue SE,
 King County Assessor # 122404-9010



EXHIBIT 7

MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS)

Application Nos.: **SEP13-031 and SUB13-009**

Description of proposal: **A review under the State Environmental Policy Act (SEPA) for preliminary long plat approval to subdivide one existing parcel into eighteen (18) lots.**

Proponent: **Wes Giesbrecht of Mercer Island 84th Limited Partnership**

Location of proposal: **3051 84th Avenue SE, Mercer Island WA 98040;**
Identified by King County Assessor tax parcel number 122404-9010

Lead agency: **City of Mercer Island**

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist; an arborist's assessment (Greenforest Incorporated, August 2013); a watercourse review (Watershed Dynamics, March 2013); a letter conducting peer review of the applicant's watercourse review (Watershed Company, April 2013); a wetland review (Watershed Dynamics, May 2013); June 6, 2013 site review (Watershed Dynamics, June 2013); peer review of wetland review (Watershed Company, June 2013); stormwater site plan (PacLand, July 2013); geotechnical report (Terra Associates, Inc., July 2013); an addendum to the geotechnical report (Terra Associates, Inc., October 2013); a second geotechnical addendum (Terra Associates, Inc., October 2013); a trip generation memorandum (Transportation Engineering Northwest, November 2013); public comment letters; and other information on file with the lead agency. This information is available to the public on request.

_____ There is no comment period for this DNS.

_____ This DNS is issued after using the optional DNS process in WAC 197-11-355.
There is no further comment period on the DNS.

✓ _____ This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by **5:00 PM on January 6, 2014.**

Responsible Official: **Shana Crick, Senior Planner**
City of Mercer Island
9611 SE 36th Street
Mercer Island, WA 98040
Phone: (206) 275-7732
Email: shana.crick@mercergov.org

Date: **December 23, 2013**

Signature *Shana Crick*

APPEAL INFORMATION

This decision to issue a Mitigated Determination of Non-significance (MDNS) rather than to require an EIS may be appealed pursuant to Section 19.07 of the Mercer Island Unified land Development Code, Environmental procedures.

- ✓ Any party of record may appeal this determination to the City Clerk at 9611 SE 36th Street Mercer Island, WA 98040 no later than **5:00 PM on Monday, January 6, 2014** by filing a timely and complete appeal application and paying the appeal fee. You should be prepared to make specific factual objections. Contact the City Clerk to read or ask about the procedures for SEPA appeals. To reverse, modify or remand this decision, the appeal hearing body must find that there has been substantial error, the proceedings were materially affected by irregularities in procedure, the decision was unsupported by material and substantial evidence in view of the entire record, or the decision is in conflict with the city's applicable decision criteria.

_____ There is no agency appeal.

MITIGATION CONDITIONS

The following conditions are required pursuant to RCW 43.21C.060 and WAC 197-11-350 to mitigate probable and unavoidable impacts identified for this proposal. All conditions of mitigation must be completed prior to final plat approval.

ENVIRONMENTAL IMPACT #1

Environmental Impact(s) Identified: The proposed development would result in increased pedestrian traffic due to the number of additional people living on the subject property. This would increase the demand for pedestrian walkways to the Town Center and Parks.

Analysis: The proposed long plat is generally located between Island Crest Way to the west and 84th Avenue SE to the east. The development provides an opportunity to provide part of the extension of the pedestrian facility network between Upper Luther Burbank Park and the Town Center. The unimproved SE 32nd Street right of way connects Island Crest Way to the southwest boundary of the site, connecting to an existing public pedestrian walkway easement that was established by the Mercer Meadows plat approved in 1977. The east boundary of the site abuts 84th Ave. SE, across from Upper Luther Burbank Park.

Applicable regulatory provisions:

Comprehensive Plan Land Use Element

A lack of pedestrian and transit connections between the Town Center, the Park and Ride, and Luther Burbank Park (identified as a land use issue).

Comprehensive Plan Transportation Element

Policy 12.2 - Implement the Pedestrian and Bicycle Facilities Plan.

Pedestrian and Bicycle Facilities Plan

- *Policy 3.3 - Promote the development of pedestrian linkages between public and private development, and transit in the Town Center.*
- *Goal 6 - Strengthen the connectivity of pedestrian and bicycle facilities by creating a continuous integrated pedestrian and bicycle system with linkages between neighborhoods and places of employment, transit connections, schools, community facilities, parks, waterfront and other destinations.*

Associated Projects

- Project N12 – (SE 32nd Street from Island Crest Way to 81st Ave. SE) Stairs connection to the neighborhoods.
- Project X6 – (84th Ave. SE at SE 32nd St.) Crosswalk to address lack of sidewalk/trail on west side of 84th Ave. SE.

Mercer Island City Code (MICC) 19.08.020(F)(1) - Findings of Fact

All preliminary approvals or denials of long subdivisions or short subdivisions shall be accompanied by written findings of fact demonstrating that: (a) The project does or does not make appropriate provisions for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school;

Revised Code of Washington (RCW) 58.17.110 - Approval or disapproval of subdivision and dedication — Factors to be considered — Conditions for approval — Finding — Release from damages

1. *The city, town, or county legislative body shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine: (a) If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) whether the public interest will be served by the subdivision and dedication.*
2. *A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that: (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school....*

Mitigation Condition: The applicant shall provide a five foot wide pedestrian path from 84th Avenue SE westerly adjacent to the plat access road and then south between lots 9 and 10 to the south property line. The path shall be paved along the access road then gravel to the south property line. Provide a minimum seven foot wide pedestrian easement centered on the path and then ten feet along south property line of lot 10. Minor modification of the location and width of the path and easement may be allowed at the discretion of the City Engineer.

ENVIRONMENTAL IMPACT #2

Environmental Impact(s) Identified: Currently, 84th Avenue SE is located on the subject property, resulting in public traffic traveling across the private property. According to the November 6, 2013 memorandum from Chris Forster, P.E. of Transportation Engineering Northwest, the project will potentially generate 161 net new weekday trips.

Analysis: To accommodate existing traffic and mitigate the impacts of new traffic, the applicant will dedicate the east 30 feet of the subject property as right of way to the City as

part of the proposed long plat. The additional width could accommodate a pedestrian walk way, parking, and wider driving area for the additional vehicles generated by the development.

Applicable regulatory provisions:

Comprehensive Plan Housing Element

Policy 1.6 - *Provide for roads, utilities, facilities and other public and human services to meet the needs of all residential areas.*

Comprehensive Plan Transportation Element

Policy 2.3 - *The City of Mercer Island will look for opportunities for private sector participation in the provision, operation and maintenance of the transportation system.*

MICC 19.08.020(F)(1) - Findings of Fact

All preliminary approvals or denials of long subdivisions or short subdivisions shall be accompanied by written findings of fact demonstrating that: (a) The project does or does not make appropriate provisions for the public health, safety, and general welfare and for... streets or roads, alleys, other public ways...

MICC 19.08.040(A) - Streets, Utilities and Storm Drainage

The long subdivision, short subdivision, or lot line revision shall include provisions for streets, water, sanitary sewers, storm drainage, utilities and any easements or facilities necessary to provide these services.

RCW 58.17.110 - Approval or disapproval of subdivision and dedication — Factors to be considered — Conditions for approval — Finding — Release from damages

2. *A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that: (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school.*

Mitigation Condition: The applicant shall dedicate 30 feet of right-of-way along 84th Avenue SE abutting the site.

ENVIRONMENTAL IMPACT #3

Environmental Impact(s) Identified:

The proposed parking within the subdivision may not sufficiently accommodate the increased demand for public parking as a result of the new homes.

Analysis: As discussed previously, the traffic memorandum submitted by the applicant indicates an increase in the number of trips resulting from the long plat. While the applicant is meeting City requirements regarding the number of private parking spaces to be provided per lot, it is unlikely that public parking can be accommodated on the 20 foot wide road surface in the proposed private access tract. A five foot wide sidewalk is required adjacent to the south side of the access tract. A vertical curb will prevent vehicles from using the sidewalk for parking. A new gravel shoulder along 84th Avenue SE abutting the site will provide additional public parking.

Applicable regulatory provisions:Comprehensive Plan Transportation Element

- Policy 6.10 - The City recognizes that travel by single occupant vehicle is, and for the foreseeable future may continue to be, the dominant mode of transportation. The City will require adequate parking and other automobile facilities to meet anticipated demand generated by new development.
- Policy 2.4 - The City of Mercer Island will coordinate street improvement projects with utilities, developers, neighborhoods, and other parties in order to minimize roadway disruptions and maintain pavement integrity.

MICC 19.08.040(A) - Streets, Utilities and Storm Drainage

The long subdivision, short subdivision, or lot line revision shall include provisions for streets, water, sanitary sewers, storm drainage, utilities and any easements or facilities necessary to provide these services.

Mitigation Condition:

The applicant shall provide an 8.5 foot wide unobstructed gravel shoulder along 84th Avenue SE abutting the site as directed by the City Engineer.

ENVIRONMENTAL IMPACT #4

Environmental Impact(s) Identified: The proposed plat and subsequent development will increase impervious surface coverage on site, which can intensify runoff.

Analysis: This situation can be mitigated by ensuring that existing drainage conduits are effective in addition to confirming the sufficiency of new stormwater management facilities associated with the development. If existing drainage facilities are ineffective, mitigation should include replacement and/or upgrading of existing facilities.

Applicable regulatory provisions:Comprehensive Plan Utilities Element

Policy 4.3 - The City shall maintain and enforce land-use plans and ordinances requiring stormwater controls for new development and re-development. The ordinances shall be based on standards developed by the state Department of Ecology and shall be consistent with the policies in the Land-Use Element of this plan and the goals and policies of the City's Development Services Group.

MICC 19.08.020(F)(1) - Findings of Fact

All preliminary approvals or denials of long subdivisions or short subdivisions shall be accompanied by written findings of fact demonstrating that:

- a. The project does or does not make appropriate provisions for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school;*

19.08.030(C) - Control of Hazards

1. Where the project may adversely impact the health, safety, and welfare of, or inflict expense or damage upon, residents or property owners within or adjoining the project, other members of the public, the state, the city, or other municipal corporations due to flooding, drainage problems, critical slopes, unstable soils, traffic access, public safety problems, or other causes, the city council in the case of a long subdivision, or the code

official in the case of a short subdivision or lot line revision, shall require the applicant to adequately control such hazards or give adequate security for damages that may result from the project, or both.

2. If there are soils or drainage problems, the city engineer may require that a Washington registered civil engineer perform a geotechnical investigation of each lot in the project. The report shall recommend the corrective action likely to prevent damage to the areas where such soils or drainage problems exist. Storm water shall be managed in accordance with the criteria set out in MICC 15.09.030 and shall not increase likely damage to downstream or upstream facilities or properties.

MICC 19.08.040(A) - Streets, Utilities and Storm Drainage

The long subdivision, short subdivision, or lot line revision shall include provisions for streets, water, sanitary sewers, storm drainage, utilities and any easements or facilities necessary to provide these services. All utilities shall be placed underground unless waived by the city engineer.

Mitigation Condition:

The applicant shall inspect the condition of the existing drainage pipe on proposed lot 7 and replace to City standards if needed, as determined by the City Engineer.

ENVIRONMENTAL IMPACT #5

Environmental Impact(s) Identified: As discussed in the summary of “Environmental Impact #4,” the proposed development is likely to increase stormwater runoff due to the increase of impervious surface resulting from construction.

Analysis: To mitigate the environmental impacts, existing on-site stormwater conveyance system must be replaced and/or upgraded and new facilities must be constructed.

Applicable regulatory provisions:

Comprehensive Plan Utilities Element

Policy 4.3 - The City shall maintain and enforce land-use plans and ordinances requiring stormwater controls for new development and re-development. The ordinances shall be based on standards developed by the state Department of Ecology and shall be consistent with the policies in the Land-Use Element of this plan and the goals and policies of the City's Development Services Group.

MICC 19.08.020(F)(1) - Findings of Fact

All preliminary approvals or denials of long subdivisions or short subdivisions shall be accompanied by written findings of fact demonstrating that:

- a. *The project does or does not make appropriate provisions for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school;*

19.08.030(C) - Control of Hazards

1. Where the project may adversely impact the health, safety, and welfare of, or inflict expense or damage upon, residents or property owners within or adjoining the project, other members of the public, the state, the city, or other municipal corporations due to flooding, drainage problems, critical slopes, unstable soils, traffic access, public safety problems, or other causes, the city council in the case of a long subdivision, or the code

official in the case of a short subdivision or lot line revision, shall require the applicant to adequately control such hazards or give adequate security for damages that may result from the project, or both.

2. If there are soils or drainage problems, the city engineer may require that a Washington registered civil engineer perform a geotechnical investigation of each lot in the project. The report shall recommend the corrective action likely to prevent damage to the areas where such soils or drainage problems exist. Storm water shall be managed in accordance with the criteria set out in MICC 15.09.030 and shall not increase likely damage to downstream or upstream facilities or properties.

MICC 19.08.040(A) - Streets, Utilities and Storm Drainage

The long subdivision, short subdivision, or lot line revision shall include provisions for streets, water, sanitary sewers, storm drainage, utilities and any easements or facilities necessary to provide these services. All utilities shall be placed underground unless waived by the city engineer.

Mitigation Condition:

The applicant shall construct a stormwater conveyance system across the site to continue the unimpeded flow of stormwater from the existing storm drainage system discharging onto lot 7 across the site to the north property line of proposed lot 16 in a manner consistent with City standards.

ENVIRONMENTAL IMPACT #6

Environmental Impact(s) Identified: The City does not have a utility easement over an existing water main on the subject property and cannot perform maintenance and/or emergency repairs if needed. The long plat will exacerbate this problem by adding additional lots that could potentially be affected by problems with the water main.

Analysis: The City is requiring a utility easement over an existing water main to grant the City access to the main; thus, allowing the City to maintain the water main, if necessary, when there is a problem with the main or a public safety issue arises.

Applicable regulatory provisions:

MICC 19.08.040(A) - Streets, Utilities and Storm Drainage

The long subdivision, short subdivision, or lot line revision shall include provisions for streets, water, sanitary sewers, storm drainage, utilities and any easements or facilities necessary to provide these services.

Mitigation Condition:

The applicant shall provide a 25 foot wide utility easement, in a form and manner approved by the City Attorney, along the south side of plat over the existing eight inch water main.

ENVIRONMENTAL IMPACT #7

Environmental Impact(s) Identified: The applicant has indicated that grading of the steep slope on site is proposed.

Analysis: A steep slope, as defined by MICC 19.16.010(S), has been identified along the western property line of the site. Development of the existing slope is subject to geotechnical reports that provide guidelines for safe construction on the slope and ensure that slope instability will not result from alteration of the steep slope. Additionally, steep slopes are included within the definition of "landslide hazard area" in MICC 19.16.010(L). MICC 19.07.060(D)(3) stipulates that alterations within landslide hazard areas can be

restricted by the Code Official "to the minimum extent necessary for the construction and maintenance of structures and related access."

Applicable regulatory provisions:

Comprehensive Plan Land Use Element

- Goal 10 - *The protection of the natural environment will continue to be a priority in all Island development. Protection of the environment and private property rights will be consistent with all state and federal laws.*
- Policy 10.1 - *The City of Mercer Island shall protect environmentally sensitive lands such as watercourses, geologic hazard areas, steep slopes, shorelines, wildlife habitat conservation areas, and wetlands. Such protection should continue through the implementation and enforcement of critical areas and shoreline regulations*

MICC 19.07.060(D)(1) - Development Conditions

Alterations of geologic hazard areas may occur if the code official concludes that such alterations:

- a. Will not adversely impact other critical areas;*
- b. Will not adversely impact (e.g., landslides, earth movement, increase surface water flows, etc.) the subject property or adjacent properties;*
- c. Will mitigate impacts to the geologic hazard area consistent with best available science to the maximum extent reasonably possible such that the site is determined to be safe; and*
- d. Include the landscaping of all disturbed areas outside of building footprints and installation of all impervious surfaces prior to final inspection.*

MICC 19.07.060(D)(2) - Statement of Risk

Alteration within geologic hazard areas may occur if the development conditions listed above are satisfied and the geotechnical professional provides a statement of risk with supporting documentation indicating that one of the following conditions can be met:

- a. The geologic hazard area will be modified, or the development has been designed so that the risk to the lot and adjacent property is eliminated or mitigated such that the site is determined to be safe;*
- b. Construction practices are proposed for the alteration that would render the development as safe as if it were not located in a geologic hazard area;*
- c. The alteration is so minor as not to pose a threat to the public health, safety and welfare; or*
- d. An evaluation of site specific subsurface conditions demonstrates that the proposed development is not located in a geologic hazard area.*

MICC 19.07.060(D)(3) - Development Limitations

Within a landslide hazard area, the code official may restrict alterations to the minimum extent necessary for the construction and maintenance of structures and related access where such action is deemed necessary to mitigate the hazard associated with development.

MICC 19.08.030(C) - Control of Hazards

- 1. Where the project may adversely impact the health, safety, and welfare of, or inflict expense or damage upon, residents or property owners within or adjoining the project, other members of the public, the state, the city, or other municipal corporations due to flooding, drainage problems, critical slopes, unstable soils, traffic access, public safety problems, or other causes, the city council in the case of a long subdivision, or the code*

official in the case of a short subdivision or lot line revision, shall require the applicant to adequately control such hazards or give adequate security for damages that may result from the project, or both.

MICC 19.16.010 - Development

- 1. A piece of land that contains buildings, structures, and other modifications to the natural environment; or*
- 2. The alteration of the natural environment through:*
 - a. The construction or exterior alteration of any building or structure, whether above or below ground or water, and any grading, filling, dredging, draining, channelizing, cutting, topping, or excavation associated with such construction or modification.*
 - b. The placing of permanent or temporary obstructions that interfere with the normal public use of the waters and lands subject to this code.*
 - c. The division of land into two or more parcels, and the adjustment of property lines between parcels.*

MICC 19.16.010 – Steep Slope

Any slope of 40 percent or greater calculated by measuring the vertical rise over any 30-foot horizontal run. Steep slopes do not include artificially created cut slopes or rockeries.

Mitigation Condition:

Development on steep slopes (any slope of 40 percent or greater calculated by measuring the vertical rise over any 30-foot horizontal run) shall be limited to the minimum extent necessary for the construction and maintenance of structures and related access. Alterations to steep slopes on site shall comply with the requirements of the submitted geotechnical reports.

ENVIRONMENTAL IMPACT #8

Environmental Impact(s) Identified: Construction noise from the development may result in a noise nuisance; particularly, within a residential environment.

Analysis: State law and City regulations are clear about the timeframe during which construction noise is permitted. The construction hours will be strictly enforced. Furthermore, the City will look for opportunities to reduce noise on site even during the hours in which construction is permitted. This can be accomplished by baffling construction equipment, shielding areas of the site, and limiting certain activities to hours when most residents are not home.

Applicable regulatory provisions:

MICC 8.24.020 - Types of Nuisances

- Q. Production of any of the following sounds or noises between the hours of 10 pm to 7 am on Mondays through Fridays, excluding legal holidays, and between the hours of 10 pm and 9 am on Saturdays and Sundays and legal holidays, except in the cases of bona fide emergency or under permit from the city building department in case of demonstrated necessity:*
- 1. Sounds caused by the construction or repair of any building or structure,*
 - 2. Sounds caused by construction, maintenance, repair, clearing or landscaping,*
 - 3. Sounds created by the installation or repair of utility services,*
 - 4. Sounds created by construction equipment including special construction vehicles.*
- It is intended that the sounds described in this subsection refer to sounds heard beyond the property line of the source;*

WAC 173-60-040 - Maximum permissible environmental noise levels

1. *No person shall cause or permit noise to intrude into the property of another person which noise exceeds the maximum permissible noise levels set forth below in this section.*
- 2a. *The noise limitations established are as set forth in the following table after any applicable adjustments provided for herein are applied.*

EDNA of Noise Source	EDNA of Receiving Property		
	Class A	Class B	Class C
Class A	55 dBA	57 dBA	60 dBA
Class B	57 dBA	60 dBA	65 dBA
Class C	60 dBA	65 dBA	70 dBA

- 2b. *Between the hours of 10:00 p.m. and 7:00 a.m. the noise limitations of the foregoing table shall be reduced by 10 dBA for receiving property within Class A EDNAs.*
- 2c. *At any hour of the day or night the applicable noise limitations in (a) and (b) above may be exceeded for any receiving property by no more than:*
 - i. *5 dBA for a total of 15 minutes in any one-hour period; or*
 - ii. *10 dBA for a total of 5 minutes in any one-hour period; or*
 - iii. *15 dBA for a total of 1.5 minutes in any one-hour period.*

WAC 173-60-050 - Exemptions

3. *The following shall be exempt from the provisions of WAC 173-60-040, except insofar as such provisions relate to the reception of noise within Class A EDNAs between the hours of 10:00 p.m. and 7:00 a.m.*
 - a. *Sounds originating from temporary construction sites as a result of construction activity.*

Mitigation Condition:

Site development and subsequent residential construction are subject to the provisions of WAC 173-60 and MICC 8.24.020(Q). Mitigation measures, including, but not limited to, baffling construction equipment, shielding areas of the site, and limiting certain activities to hours when most residents are not home, may be required to limit noise impacts from construction equipment.

ENVIRONMENTAL IMPACT #9

Environmental Impact(s) Identified: Site grading associated with a plat, in most cases, involves a wholesale removal of vegetation and trees on site.

Analysis: Sequencing the grading process will alleviate the impact of the development and allow for the retention of more existing trees on site. The first stage in the site grading will address the activities required for site development – road construction, placement of the stormwater vault, and installation of utilities. Individual grading permits will entail a site by site evaluation of the vegetation to be removed, which allows for future residences to be sited with consideration of the trees. This enables additional tree retention, which may not be possible with one “wholesale” grading permit. Indiscriminate removal of vegetation and trees further reduces habitat for birds, can increase run off, and increases cooling cost to future homes during the summer.

Applicable regulatory provisions:

19.08.030(C) - Control of Hazards

- 1. Where the project may adversely impact the health, safety, and welfare of, or inflict expense or damage upon, residents or property owners within or adjoining the project, other members of the public, the state, the city, or other municipal corporations due to flooding, drainage problems, critical slopes, unstable soils, traffic access, public safety problems, or other causes, the city council in the case of a long subdivision, or the code official in the case of a short subdivision or lot line revision, shall require the applicant to adequately control such hazards or give adequate security for damages that may result from the project, or both.*

MICC 19.10.040(B) - Trees on Private Property

When a tree permit is required to cut a tree on private property, the tree permit will be granted if it meets any of the following criteria:

- 2. It is necessary to enable construction work on the property to proceed and the owner has used reasonable best efforts to design and locate any improvements and perform the construction work in a manner consistent with the purposes set forth in MICC 19.10.010;*

Mitigation Condition:

Mass site grading will not be permitted for this project. In order to maximize tree retention, an initial grading permit may include grading related to site development (installation of utilities and other required improvements). Subsequent grading specific to individual building sites will be considered at the time of building permit review for each building site.

REPORTS

Trees/Arborist Reports



Greenforest Incorporated



Consulting Arborist

9/20/2013

Wes Giesbrecht
MI 84th Limited Partnership
15080 North Bluff Road
White Rock, BC V4B 5C1

RE: Tree Inventory at Coval Property, Mercer Island WA

Dear Mr. Giesbrecht:

Earlier this week we met at the Coval property with Mercer Island arborist and planners. From that meeting, I was given an additional scope: Inventory and rate the health and structure of all the significant trees on site (except for the dense trees along the west boundary, cottonwoods, alders and bitter cherries); and to further examine tree 7102, the large Douglas-fir tree at the west end of the site. This letter contains the additional inventory; the examination to tree 7102 will be reported under separate cover.

The purpose of this inventory is to provide quick reference to the basic condition of the significant trees on site. Here's what the numbers mean:

- 1 - No visible problems.
- 2 - Minor visible problems; the tree could be retained but may need some maintenance.
- 3 - Significant visible problems and tree removal is recommended.

These ratings are assigned with an eye for the tree remaining on site as a landscape amenity, and in nearly all cases, a rating of 1 indicates a tree with a pleasing form, as well as no visible problems.

A few other things to consider: all the fruit trees and the Pacific madrones on this site are diseased, and nearly every Madrone is leaning, as they want to naturally do. If these trees are indicated for disease in the following table, it's because their diseased condition is very evident or advanced, and not a minor event.

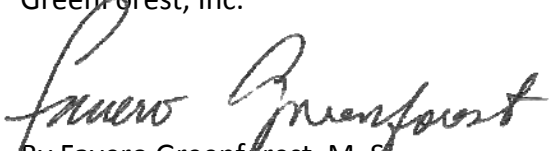
The very first column in the inventory table contains the following symbols:

- X = originally planned for removal (and not included in my previous report).
- W = tree growing along the west end of the parcel, originally planned for retention, and included as a 'grove' tree in my previous report.
- Blank cell = individual tree or group of trees in locations throughout the project, originally planned for retention, and included as a 'lot' tree in my previous report.

Wes Giesbrecht - MI 84th Limited Partnership
RE: Tree Inventory at Coval Property, Mercer Island WA
9/20/2013
Page 2 of 10

Sincerely,

GreenForest, Inc.


By Favero Greenforest, M. S.

ISA Certified Arborist # PN -0143A
ASCA Registered Consulting Arborist® #379
PNW-ISA Certified Tree Risk Assessor #579

Inventory of Significant Trees

	Tree No.	Species	DBH	Health	Structure	Note
x	7000	Chestnut	32"	1	1	
x	7001	Chestnut	16" 18" 22"	1	1	
x	7002	Pine	8"	1	1	
x	7003	Crabapple	12"	1	2	
x	7004	Apple	14"	1	3	Tree leans
x	7007	Apple	14"	2	3	
x	7008	Alaska weeping cedar	6" 8"	1	1	
x	7009	Plum	12"	2	3	
x	7010	Apple	8"	2	1	
x	7011	Pink silk tree	6" 8"	1	3	Roots cut on east side
x	7012	Birch	28"	1	3	Topped
x	7013	Birch	10" 14"	1	1	
x	7014	Plum	6"	1	1	
x	7015	Apple	6"	1	1	
x	7016	Apple	12"	1	1	
x	7017	Apple	12"	1	1	
x	7018	American holly	2" 10"	2	1	Foliar disease
x	7019	English hawthorn	10"	2	2	
x	7020	Apple	18"	1	2	
x	7021	Apple	6"	1	1	
x	7022	English hawthorn	2" 10"	1	1	
x	7023	Apple	16"	1	1	
x	7024	Pine	2" 8"	1	1	
x	7025	Apple	20"	1	1	
x	7026	Apple	10"	2	3	Topped
x	7027	American holly	28"	1	1	
x	7028	Filbert	6" 6" 6"	1	1	
x	7029	American holly	12" 20"	1	1	
x	7030	Apple	6"	1	1	
x	7031	Apple	6"	1	1	
x	7032	Plum	8"	1	1	
x	7033	English hawthorn	10"	3	2	
x	7034	Apple	8"	2	3	

	Tree No.	Species	DBH	Health	Structure	Note
x	7035	Apple	12"	2	3	
	7036	Plum	14" 20"	1	2	
	7037	Plum	12"	1	2	
	7038	Plum	6"	1	3	Topped
x	7039	Moss cypress	6"	1	1	
x	7040	Hornbeam	12"	1	1	
x	7041	American holly	12"	1	1	
x	7042	Pear	18"	2	1	
x	7043	Laburnum	8"	1	1	
x	7044	Pine	6" 8"	1	2	Asymmetric
x	7045	Magnolia	8"	1	1	
x	7046	Apple	12"	2	2	Topped; diseased
	7050	Sequoia	34"	1	1	
	7051	Sequoia	22"	1	1	
	7052	Pink dogwood	12"	1	1	
x	7053	Doug-fir	16"	1	1	
	7054	Sequoia	26"	1	1	
x	7055	Madrone	30"	2	1	
x	7056	Purple plum	10" 10"	1	1	
x	7057	Madrone	24"	2	1	
x	7058	English hawthorn	6"	1	1	
x	7059	Yew	6"	1	1	
x	7060	Yew	6"	1	1	
x	7061	beech	10"	1	1	
x	7062	katsura	6" 10" 10"	2	1	Slight dieback on 1 stem
x	7063	Magnolia	6" 8"	1	1	
x	7064	Birch	14"	1	1	
x	7065	Paulownia	10"	1	1	
x	7066	Birch	10"	1	1	
x	7067	Pacific dogwood	8"	2	1	Foliar disease
x	7068	camellia	6"	1	1	
x	7069	English hawthorn	6"	1	1	
x	7070	Chestnut	12"	1	1	
x	7071	Robinia (locust)	6"	1	1	
x	7072	Kentucky coffee tree	10"	1	1	
x	7073	Oak	10"	1	1	

	Tree No.	Species	DBH	Health	Structure	Note
x	7074	Filbert	6"	1	1	
x	7075	Cottonwood	38"			
x	7076	Cottonwood	46"			
x	7077	DEC	14"	3	3	Dead
	7078	Sequoia	12"	1	1	
	7079	Sequoia	20"	1	1	
x	7080	Cottonwood	32"			
x	7081	Cottonwood	44"			
	7082	English hawthorn	6"	1	1	
x	7083	Cottonwood	44"			
x	7084	Cottonwood	46"			
x	7085	English hawthorn	6"	2	2	Tree leans
	7086	Incense cedar	14"	1	1	
x	7087	Portugal laurel	8"	1	1	
x	7088	Atlas cedar	16"	1	1	
x	7089	Purple plum	10"	1	1	
	7090	Madrone	30"	2	1	
	7091	Bigleaf maple	68"	2	3	Stem decay
	7092	English hawthorn	8" 8"	1	2	Tree leans
	7093	English hawthorn	16"	1	2	Tree leans; roots cut on N side
x	7095	English hawthorn	8"	1	1	
	7096	Doug-fir	36"	1	1	
x	7097	Plum	6"	1	1	
x	7098	Apple	8"	1	1	
x	7099	Apple	8"	1	1	
x	7100	Pear	8"	2	2	
x	7101	Linden	18"	1	1	
	7102	Doug-fir	52"	1	2	Broken hanging branches
x	7103	English hawthorn	8"	1	1	
x	7104	Walnut	8"	1	1	
x	7105	Pacific dogwood	8"	1	1	
x	7106	Ginkgo	6"	1	1	
x	7107	Magnolia	10"	1	1	
x	7108	beech	6"	1	1	
x	7109	beech	8" 8"	1	1	
x	7110	Pear	12"	2	2	Topped

	Tree No.	Species	DBH	Health	Structure	Note
x	7111	Apple	12"	2	2	Topped
x	7112	Apple	10" 10"	2	2	Topped
x	7113	Apple	6" 8"	1	1	
x	7114	Pacific dogwood	6" 6"	2	1	
x	7115	Doug-fir	12"	1	3	Structural root crushed by tractor
x	7116	Bigleaf maple	10"	2	2	
x	7117	Doug-fir	42"	1	1	
x	7118	Bigleaf maple	60"	2	3	Decline/deadwood/decay
x	7119	Bigleaf maple	20"	1	2	Deadwood
x	7120	Bigleaf maple	26"	1	2	Deadwood
	7121	Bigleaf maple	22"	1	1	
x	7122	Holly, English	6"	1	2	Topped/lean
	7123	Bigleaf maple	6, 10	1	2	Ivy covering stem
x	7124	Holly, English	6"	1	2	Topped
x	7125	Western red-cedar	2"	1	1	
x	7126	Bigleaf maple	6"	1	2	Very skinny trunk
x	7127	Bigleaf maple	8"	1	2	Very skinny trunk
W	7128	Bigleaf maple	18"			
W	7129	Bigleaf maple	6"			
W	7130	Madrone	14"			
W	7131	Madrone	22"			
W	7132	Bigleaf maple	14"			
W	7133	Madrone	6"			
W	7134	Madrone	6"			
W	7135	Madrone	12"			
W	7136	Madrone	10"			
W	7137	Bigleaf maple	8" 12"			
W	7138	Madrone	6"			
W	7139	Bigleaf maple	6"			
W	7140	Madrone	12"			
W	7141	Hemlock	4"			
W	7142	Madrone	8"			
W	7143	Madrone	8"			
x	7144	Bigleaf maple	8"	1	2	Very skinny trunk
W	7145	Madrone	14"			
W	7146	Madrone	14"			

	Tree No.	Species	DBH	Health	Structure	Note
W	7147	Bigleaf maple	24"			
W	7148	Madrone	22"			
W	7149	Bigleaf maple	12"			
W	7150	Bigleaf maple	10" 18"			
W	7151	Pacific dogwood	8"			
W	7152	Hemlock	4"			
W	7153	Hemlock	2"			
W	7154	Hemlock	2"			
x	7155	Madrone	8" 10"	2	2	Diseased; tree leans
W	7156	Hemlock	2"			
W	7157	Madrone	10"			
W	7158	Madrone	14"			
W	7159	Hemlock	2"			
W	7160	Madrone	8"			
W	7161	Madrone	10"			
W	7162	Madrone	10"			
W	7163	Madrone	10"			
W	7164	Madrone	8" 12"			
W	7165	Madrone	8"			
W	7166	Madrone	18"			
W	7167	Madrone	14"			
W	7168	Madrone	12"			
W	7169	Hemlock	4"			
x	7170	Madrone	14"	1	1	
W	7171	Hemlock	6"			
W	7172	Madrone	16"			
x	7173	Bigleaf maple	12" 14"	1	1	
x	7174	Doug-fir	20"	1	1	
x	7175	Bigleaf maple	12" 12" 16"	2	2	Diseased; deadwood
x	7176	DEC	14"	3	3	Dead
x	7177	Madrone	28"	2	2	Double leader
x	7178	Pacific dogwood	22"	2	2	Stem decay
x	7179	Apple	6" 10" 10"	2	2	Diseased; decay
x	7180	Madrone	8"	2	3	Tree leans
x	7181	Chestnut	10" 10"	1	2	Double leader w included bark
x	7182	Madrone	8"	2	2	Diseased; lean

	Tree No.	Species	DBH	Health	Structure	Note
x	7183	Madrone	12"	2	2	Diseased; lean
x	7184	Madrone	24"	2	3	Diseased; lean
x	7185	Chestnut	14"	1	1	
x	7186	Cherry	8"	1	1	
x	7187	Bigleaf maple	8"	2	3	Stem decay
x	7188	Madrone	24" 24"	2	2	Stem decay
x	7189	Holly, English	6"	1	1	
x	7190	Cottonwood	20"			
x	7191	Cottonwood	26"			
x	7192	Cottonwood	12"			
x	7193	Madrone	10"	2	2	Diseased; lean
x	7194	Madrone	14"	2	2	Diseased; lean
x	7195	Madrone	10"	2	2	Diseased; lean
x	7196	Cottonwood	36"			
x	7197	Cherry	8"	1	1	
x	7198	Cottonwood	28"			
x	7199	Madrone	14"	2	2	Diseased; lean
x	7200	Madrone	12"	2	2	Diseased; lean
x	7201	Cottonwood	42"			
x	7202	Cottonwood	16"			
x	7203	Madrone	10"	2	2	Diseased; lean
x	7204	Holly, English	6"	1	1	
x	7206	Apple	6"	1	1	
x	7207	Apple	6"	1	1	
x	7208	Apple	10"	1	1	
x	7209	Apple	10"	1	1	
x	7210	Walnut	6"	1	1	
W	7211	Bigleaf maple	8"			
W	7212	Bigleaf maple	14"			
W	7213	English hawthorn	6"			
W	7214	Bigleaf maple	16"			
W	7215	Bigleaf maple	28"			
x	7216	Doug-fir	32"	1	2	Top of tree broken out
x	7217	Madrone	14"	2	2	Diseased; tree leans
W	7218	Madrone	16"			
W	7219	Madrone	8"			

	Tree No.	Species	DBH	Health	Structure	Note
W	7220	Madrone	18"			
x	7221	DEC	6" 6"			Cant locate tree on sheet
x	7222	Bigleaf maple	10"	1	1	
x	7223	Bigleaf maple	22"	1	1	
x	7224	Bigleaf maple	6"	1	2	Asymmetric; suppressed
W	7225	Bigleaf maple	10"			
W	7226	Madrone	16"			
W	7227	Madrone	14"			
W	7228	Madrone	8"			
W	7229	Madrone	8"			
W	7230	Madrone	8" 8"			
W	7231	Bigleaf maple	8" 10"			
W	7232	Madrone	8"			
W	7233	Cherry	6"			
W	7234	Madrone	10"			
W	7235	Madrone	10" 12"			
W	7236	Madrone	8"			
W	7237	Madrone	8"			
W	7238	Pacific dogwood	8"			
W	7239	Madrone	14"			
W	7240	Madrone	10"			
W	7241	Madrone	6"			
W	7242	Hemlock	2"			
W	7243	Madrone	14"			
W	7244	Hemlock	6"			
W	7245	Madrone	10" 14"			
x	7247	Doug-fir	50"	1	2	Double leader
x	7248	Pear	12"	1	2	Topped
x	7249	Plum	16"	2	1	
x	7250	Chestnut	14" 14"	1	1	
x	7251	Plum	6"	1	1	
W	7252	Spruce	30"	1	2	Topped
x	7254	Bigleaf maple	28"	2	3	Multiple leaders w included bark
x	7256	Madrone	44"	2	2	
x	7257	Cherry	18	1	1	
x	7258	Apple	18"	1	1	

	Tree No.	Species	DBH	Health	Structure	Note
x	7259	Cherry	10"	1	1	
x	7262	Cherry	18"	2	1	Oozing resin
x	7263	Apple	10"	1	1	
x	7264	Apple	14"	1	1	
x	7265	Pine	34"	3	3	Dead
x	7266	Styrax	6"	1	1	
x	7267	Apple	12"	2	1	Stem decay
x	7268	Apple	12"	2	2	Stem decay
x	7269	Apple	8" 8" 8"	1	1	
x	7270	Apple	10"	2	2	
x	7271	Rhody	6" 6" 8"	1	1	
W	7272	Apple	10"	1	1	
W	7273	American holly	12"	1	1	
x	7274	Magnolia	8"	2	1	Decline
x	7275	Pear	14"	2	2	Topped
x	7276	Asian pear	6"	1	1	

X = originally planned for removal (and not included in my previous report).

W = tree growing along the west end of the parcel, originally planned for retention, and included as a 'grove' tree in my previous report.

Blank cell = individual tree or group of trees in locations throughout the project, originally planned for retention, and included as a 'lot' tree in my previous report.



Greenforest Incorporated



Consulting Arborist

9/21/2013

Wes Giesbrecht
MI 84th Limited Partnership
15080 North Bluff Road
White Rock, BC V4B 5C1

RE: Supplemental Arborist Report, Tree 7102
Coval Property, Mercer Island WA

Dear Mr. Giesbrecht:

This letter is supplemental to my tree report dated 8/20/13. The plan currently proposed for the Coval property will construct a roadway entering the site from the east, through the middle of the parcel westward directly toward the largest tree on the parcel, tree 7102. This tree will be primary focal point of the landscape. The purpose of this letter is to provide additional specific information about the health and structure of this tree, and it is to be used in planning the proposed construction and changes to the site.

I visited this tree yesterday and performed further evaluation and assessment. I excavated soil from the rootcrown, examined the tree through binoculars from four cardinal directions, and sounded the trunk with a mallet. I recorded my findings and photographed the tree, and the current visible defects.



It is my opinion that this tree is healthy and structurally sound. The following table summarizes the results of my inspection.

Tree No:	7102
Species	Douglas-fir
DBH	51"
Tree Height	128'
Canopy Width	60' (avg. diameter)
Health	I observed no visible health related conditions or problems. Foliage is normal in size, color and density. The tree has signs of vigorous growth this season, and for the past several seasons, and has average cone set.
Structure	<p>This tree has a single trunk with no visible abnormalities. Branch distribution is even along and around the trunk for all if its axis. Four broken hanging branches are visible in the lower canopy. All are approximately 6" diameter, and the wounds appear to be of similar age, having likely all failed during the same storm or event. One dead branch is attached to the trunk on the north side of the tree.</p> <p>I performed a rootcrown excavation and found no evidence of decay or girdling roots. I sounded the trunk and buttress roots with a rubber mallet and heard no tone variations that could indicate cracks, decay or dead bark.</p>
Live Crown Ratio = 88	LCR is the ratio of tree height to the portion of the tree with foliage-bearing branches. Stand-alone trees with a LCR of <u>30 and lower</u> are at increased risk of failure. ¹ Pruning low limbs to provide vertical clearance will likely be necessary for this tree. Raising the canopy an additional 20 vertical feet will leave a LCR of 73, which is well within this threshold.
Height/Diameter = 30	H/D is the ratio of tree height to stem (trunk) diameter, or DBH. (Also referred to as slenderness, this describes the taper of the tree's trunk.) Stand-alone trees with an H/D ratio of <u>50 and greater</u> are at increased risk of failure. ² This tree has a well tapered trunk because of it current stand-alone position on the parcel.

¹ Matheny, Nelda and James R. Clark. *A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas*. ISA.

² Mattheck, C. *Tree Mechanics*. 2002. Forschungszentrum Karlsruhe GMBH.

Below are images of the broken scaffold branches.

The top images each show two broken branches hanging in the canopy (white arrows). The branches in the top left image are on the SE side of the tree, and those in the right image are on both the east and west sides of the tree.

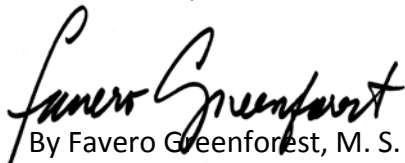
The lower image shows a dead branch still attached to the north side of the trunk (black arrow). These limbs are in the lower portion of canopy, approximately 25-35 feet from grade.



I recommend these hanging and dead limbs be pruned from the tree, if the tree is retained. I also recommend against any further limb thinning, or 'wind sailing' as it is popularly called. There is no evidence that this tree routinely sheds live limbs during high winds, as there is no evidence that 'wind sailing' reduces any risk of branch shedding in high winds.

Sincerely,

GreenForest, Inc.


By Favero Greenforest, M. S.

ISA Certified Arborist # PN -0143A
ASCA Registered Consulting Arborist® #379
PNW-ISA Certified Tree Risk Assessor (TRAQ) #579

Assumptions & Limiting Conditions

- 1) A field examination of the site was made 9/20/13. My observations and conclusions are as of that date.
- 2) All trees possess the risk of failure. Trees can fail at any time, with or without obvious defects, and with or without applied stress.
- 3) Construction activities can significantly affect the condition of retained trees. All retained trees should be inspected after construction is completed, and then inspected regularly as part of routine maintenance.
- 4) The consultant/appraiser shall not be required to give testimony or to attend court by reason of this report unless subsequent contractual arrangements are made.
- 5) This report and any values/opinions expressed herein represent the opinion of the consultant/appraiser, and the consultant's/appraiser's fee is in no way contingent upon the reporting of a specified value, a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.

Critical Areas: Watercourse and Wetlands

WATERSHED DYNAMICS

Post Office Box 215, Enumclaw, Washington TEL 360.825.9253 FAX 360.825.9248

DATE:	March 30, 2013	HARD COPY SENT:	X	YES		NO
FAX:	na	FAX COPY SENT:		YES	X	NO
E-MAIL:	sborgeson@pacland.com	E-MAIL COPY SENT:	X	YES		NO
TRANSMITTAL	PAGES SENT INCLUDING COVER PAGE:					
SUBJECT:	Watercourse Review for the Coval Property on Mercer Island					
TO:	Mr. Wes Giesbrecht, President Atlin Investments, Inc. c/o Mr. Scott Borgeson PACLAND 11711 SE 8 th Street, Suite 303 Bellevue, Washington 98005					
FROM:	Larry D. Burnstad, Senior Environmental Consultant					
PROJECT NAME:	Critical Areas Review: Coval Property					
PROJECT NUMBER:	Watershed Dynamics Project No. 2013001					

Thank you for the opportunity to review the Meyer Coval Property located at 3051 – 84th Avenue SE, Mercer Island, Washington (see Figure 1 below). As expressed prior to our field review on March 28, 2013, your primary concern was a Type 2 Watercourse that, per the City of Mercer Island Watercourse Type Map, appeared to be located on the west side of the subject property.

Per your request I reviewed both the critical areas information and the Mercer Island Municipal Code (MIMC) that were available on the City of Mercer Island (City) web site. As you indicated, the City's Watercourse Type Map indicates the presence of a Type 2 Watercourse that appears to be located in the western portion of the subject property. According to MIMC §19.06.010 – Definitions, a “watercourse” is defined as:

“A course or route, formed by nature and generally consisting of a channel with a bed, banks, or sides throughout substantially all its length, along which surface waters, with some regularity (annually in the rainy season), naturally flow in draining from higher to lower lands. This definition does not include irrigation and drainage ditches, grass-lined swales, canals, stormwater runoff devices, or other courses unless they are used by fish or to convey water that were naturally occurring prior to construction.”

FINDINGS

Prior to my onsite review, I walked south from the Coval driveway entrance along 84th Avenue SE to SE 32nd Street, a paved road adjacent to the southern boundary of the subject property. I continued west along SE 32nd Street to the driveway leading to the residence at 3211 – 84th Avenue SE, which was located approximately 125 feet to 150 feet south of the subject property (see Figure 1 below). This driveway was immediately south of the swale designated by the City as a Type 2 Watercourse on the Coval property.

There was a large grassy depression (see Figure 1 and Photo 1 below) located south of the residence at 8211 – 84th Avenue SE. Based on my review of available topographic maps, this grassy area forms the “headwater” of the Type 2 Watercourse identified by the City as extending from SE 32nd Street north to Lake Washington. The hydrologic divide between this basin, which drains to the north, and the basin to the south is located at approximately the southern property boundary of the house seen in the background of Photo 1. The house visible in the background of Photo 1 is located on the south side of SE 33rd Place (see Figure 1 below).

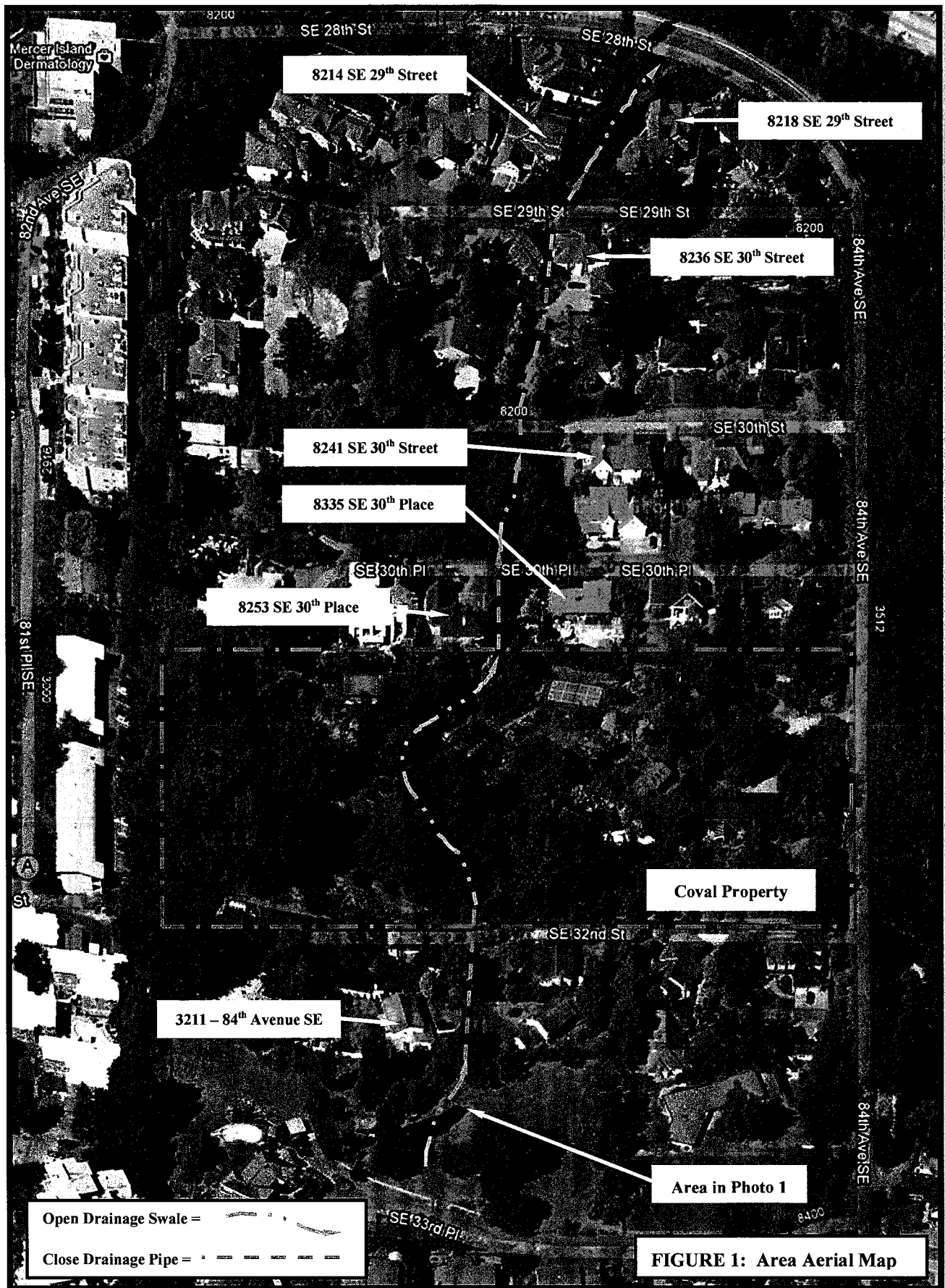




PHOTO 1: Headwater area south of 8211 – 84th Avenue SE.

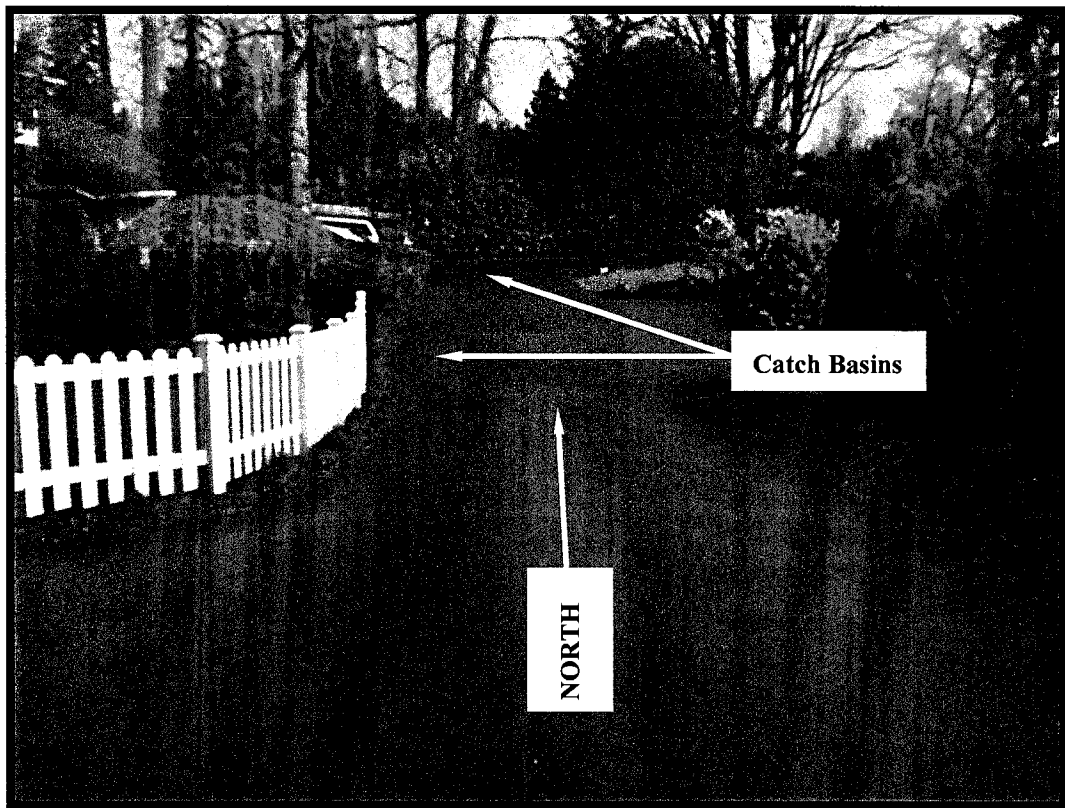


PHOTO 2: Driveway leading from 3211 – 84th Avenue SE north to Coval south property line.

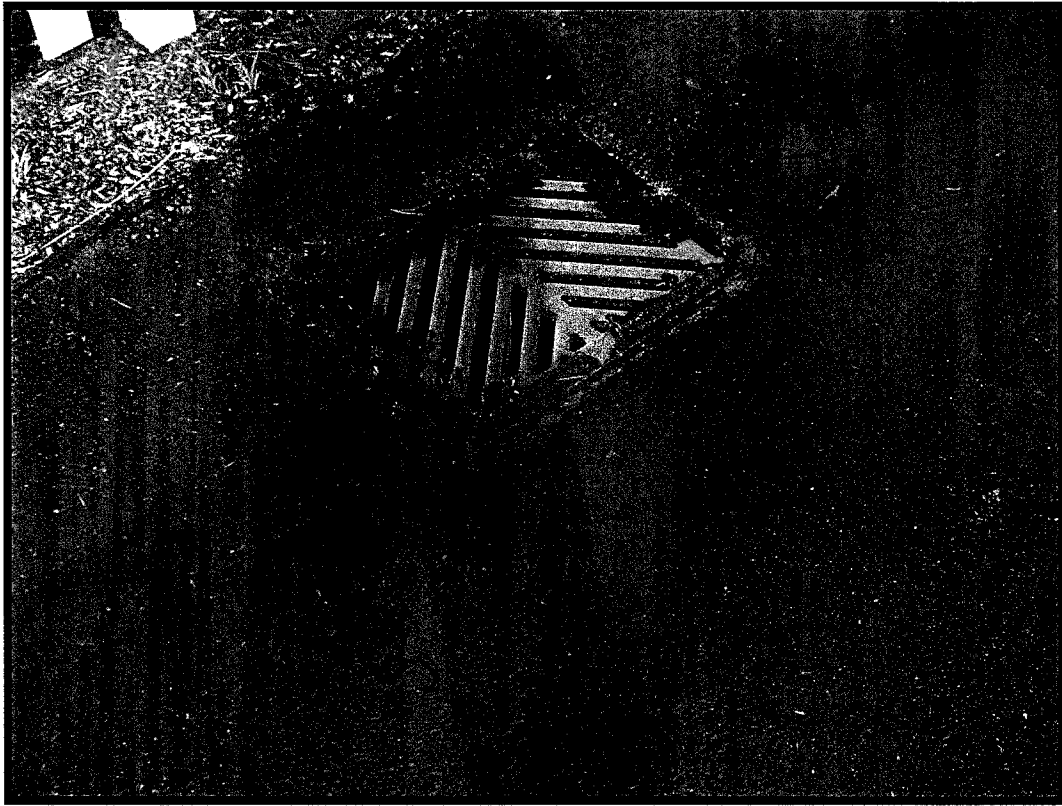


PHOTO 3: View of catch basin in driveway leading to 8211 SE 32nd Street.

The grassy area visible in the foreground and middle ground of Photo 1 slopes north toward the southern boundary of the property at 3211 – 84th Avenue SE. Upon inspection I was unable to find any watercourse within this area, particularly no watercourse consistent with the definition found in MIMC §19.06.010.

I did find the inlet of a drainage pipe below the base of the tree in the lower left corner of Photo 1. The drainage pipe appeared to be located under the driveway leading to 3211 – 84th Avenue SE (*see Photo 2 above*) and may have been installed as part of the subdivision located immediately south of the Coval property. It also appeared the pipe was installed to convey any surface water runoff from the headwater area, through the residential development, under SE 32nd Street, and onto the Coval property (*see Photo 4 below*).

I found a catch basin in the driveway leading from aforementioned residence north to SE 32nd Street (*see Photo 3 above*) as well as a catch basin in SE 32nd Street. Each of these catch basins was connected to the drainage pipe located between the headwater area and the vegetated swale located in the western portion of the Coval property.

After reviewing the headwater and developed areas south of the subject property, I initiated my review of the swale located within the subject property. As part of my review, I walked the entire property looking for evidence of any critical habitat. Although I found no “critical” areas, I did find a topographic low area or swale located in the western part of the site. The fall line of this swale was oriented south to north (higher elevation to the south).

Approximately 30 feet to 35 feet north of the Coval south property boundary I observed the outlet end of 12-inch diameter ADS drainage pipe. This pipe appeared to be the outlet end of a drainage device conveying stormwater runoff from developed properties to the south.

From the outlet of the drainage pipe I walked approximately 75 feet to 100 feet northward to a small concrete bridge (landscape feature). This bridge appeared to have been constructed across the swale primarily to flatten the vertical curve of the pathway from the east side to the west side of the site. The structure would also function to convey surface flow from the south side to the north side of the path, should the need arise.



PHOTO 4: View looking upstream from bottom of swale at south end of property. SE 32nd Street is on the south side of the split-rail fence and laurel hedge visible in the upper portion of the photograph.

There was no evidence of a “natural channel” nor was there any evidence of surface water flow between the pipe outlet and the small bridge (*see Photo 4 above and Photo 5 below*). Conditions downstream of the small bridge were essentially the same as those observed upstream of the bridge (*see Photo 6 below*).



PHOTO 5: View looking at swale down slope (north) of the outlet end of drainage pipe.



PHOTO 6: View looking down slope (north) from concrete bridge at swale.

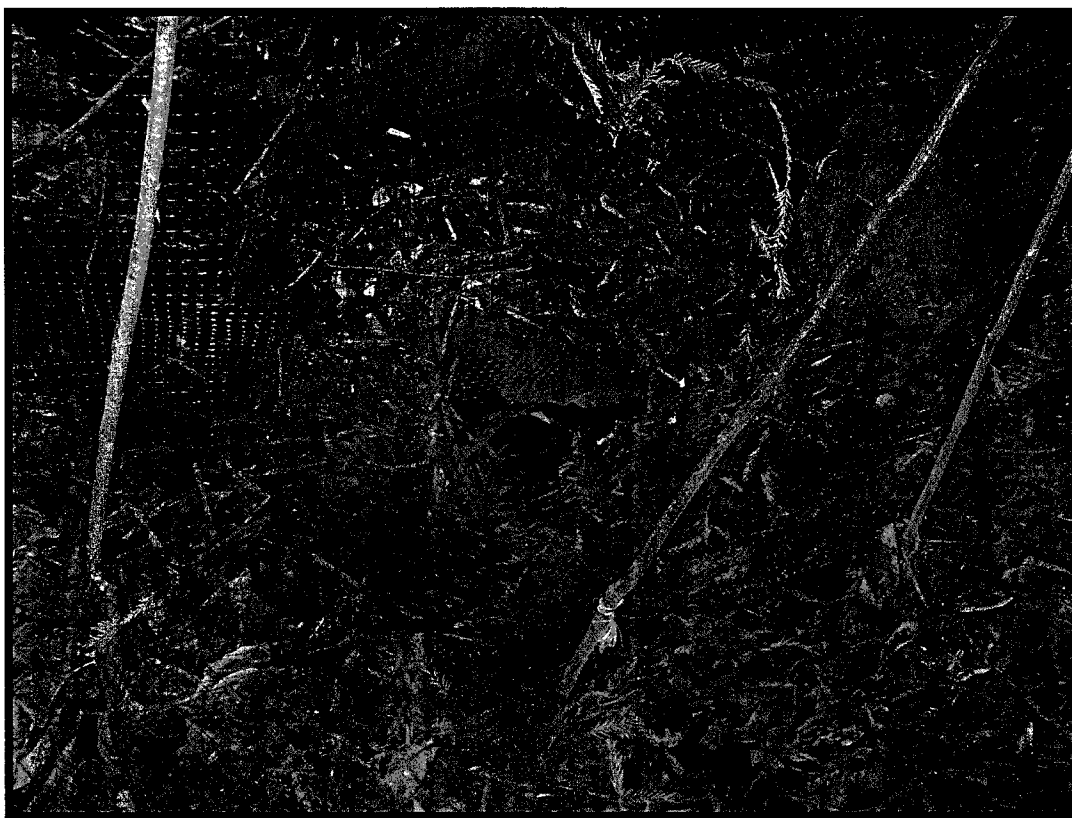


PHOTO 7: View looking at inlet end of drainage pipe from north side of Coval property to the north side of the SE 30th Place road fill.

At the northern boundary of the subject property, I observed the inlet end of a 12-inch diameter ADS pipe that appeared to have been installed to convey surface water runoff from the north property boundary (*see Photo 7 above*) through a residential development immediately north of the subject property. From the inlet of the drainage pipe I was able to look northward across the property located immediately north of the Coval property. There was no evidence of any surface flow or conveyance channel on the property to the north.

After photographing the pipe inlet, I walked off the subject property onto 84th Avenue SE, turned north and continued to SE 30th Place, and then west to 8253 SE 30th Place (*see Photo 8 below*). I estimated the drainage pipe coming from the subject property would outlet along the east side of this property and south of SE 30th Place. There was a catch basin in the driveway (*see Photo 9 below*) on the south side of the street, but the pipe outlet was actually located at the toe of the road fill on the north side of SE 30th Place (*see Photo 10 below*).

Any surface water conveyed through the drainage pipe would flow into another grass-lined swale that continued in a northerly direction from SE 30th Place toward SE 30th Street (*see Photo 10 below*). I observed the swale that started on the north side of SE 30th Place terminated in a small depression on the south side of SE 30th Street (*see Photo 11 below*). I did not observe any “natural” channel or watercourse between SE 30th Place and SE 30th Street (*see Photo 10 and Photo 11 below*). I did, however, observe an open-grated catch-basin lid in the small depression immediately south of SE 30th Street, indicating any surface drainage that would occasionally occur was being captured at that point and was being conveyed further down slope in a closed drainage pipe.

Based on the location of the catch basins on the south side of SE 30th Street I continued my investigation on the north side of the street in an attempt at finding a drainage pipe outlet, conveyance channel, or some evidence of a grass-lined swale. I was not able to find any conveyance structures other than catch basin grates in the area south of 8236 SE 30th Street (*see Photo 12 below*). The drainage pipe is located under the street and goes between the two residences shown in Photo 12.

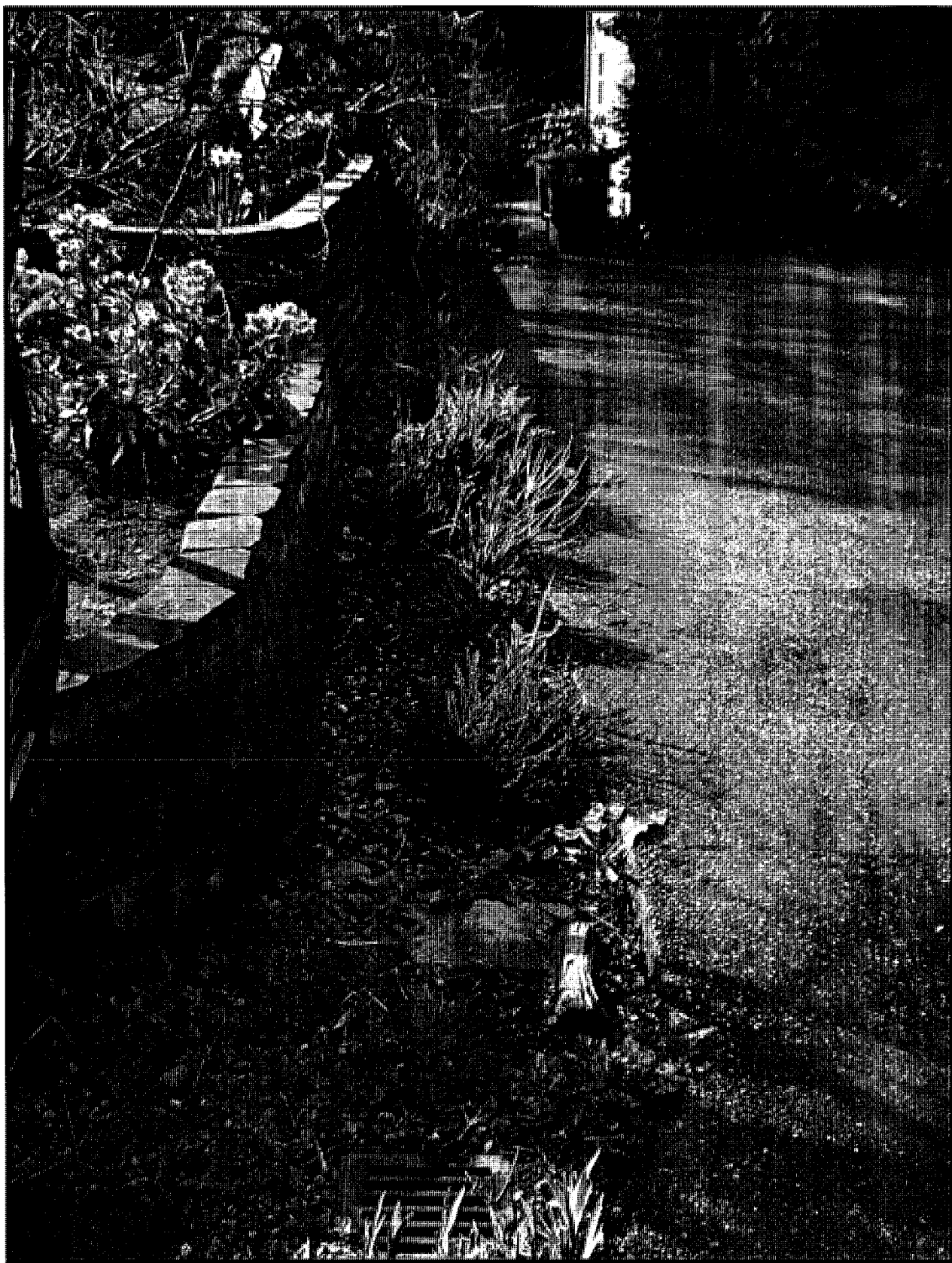


PHOTO 8: View looking south along the east side of 8253 SE 30th Place (property immediately north of the Coval property). Photo 9 below shows the catch basin in this driveway that is connected to the drain pipe that inlets on the subject property (*see Photo 7 above*).



PHOTO 9: Catch basin, in driveway at 8253 SE 30th Place, that is connected to drainage pipe.



PHOTO 10: View of swale on north side of SE 30th Place. Red line shows slope direction (north).



PHOTO 11: View of catch basins east of 8241 SE 30th Street on south side of the street.

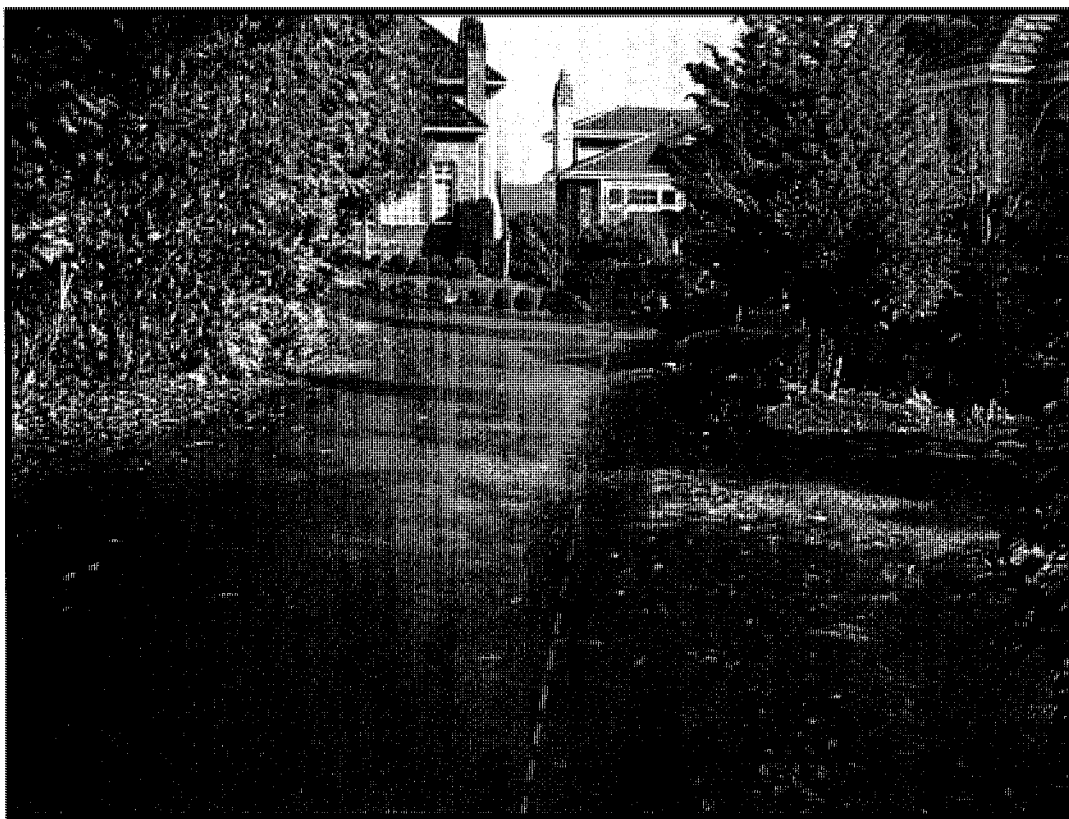


PHOTO 12: Driveway leading north from SE 30th Street to 8234 (to left) and 8236 (to right) SE 30th Street. Approximate drainage pipe shown with red dashed line.

I continued my preliminary review by investigating the area on SE 29th Street and SE 28th Street where I estimated the drainage course should be located. I did not find any open watercourse between the south of SE 30th Street and the north side of SE 29th Street. There was an open channel with the watercourse characteristics defined for an Intermittent Watercourse in MIMC §19.06.010 (*see Photo 13 below*). This was the only section of stream channel (watercourse) that had a channel bottom of mineral soil and gravel as well as channel banks. The channel appeared to only have flow in response to storm events and continuing for a short period of time following the cessation of precipitation. As such, it more closely met the definition of a Type 3 Watercourse as defined in MIMC §19.06.010.

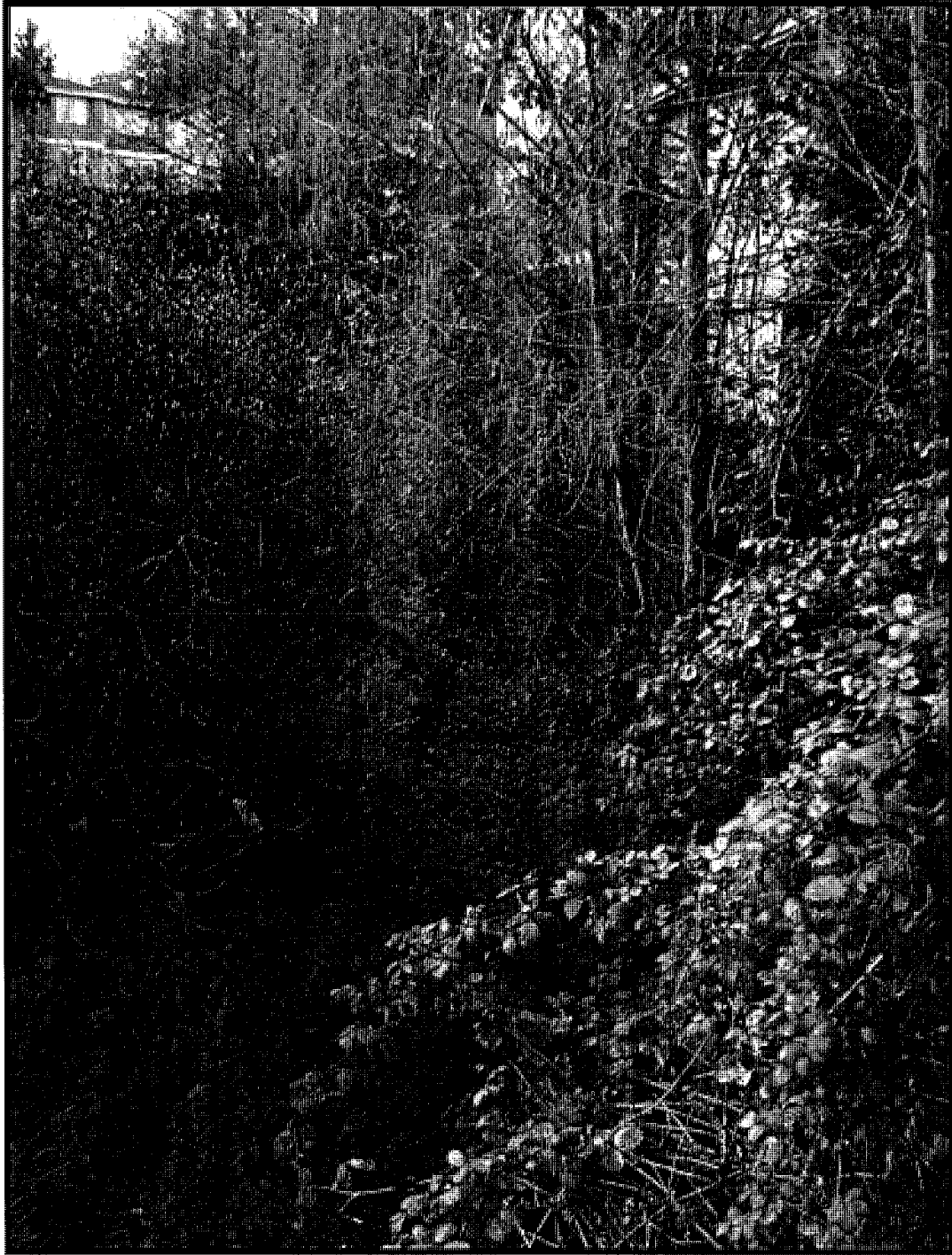


PHOTO 13: View looking south at section of watercourse between SE 29th Street and SE 28th Street.

In addition, I reviewed aerial photography available on Google Maps and the King County GIS Center (KCGIS) Imap® database. I discovered the presence of a “lid” over I-90, which was located in the general vicinity of the “Type 2 Watercourse” shown on the City’s watercourse map. The map indicates surface flow in a channel located between the north side of SE 29th Street the south side of I-90. That same channel is shown to cross I-90 on the east side of Island Crest Way before continuing in a north easterly direction to Lake Washington.

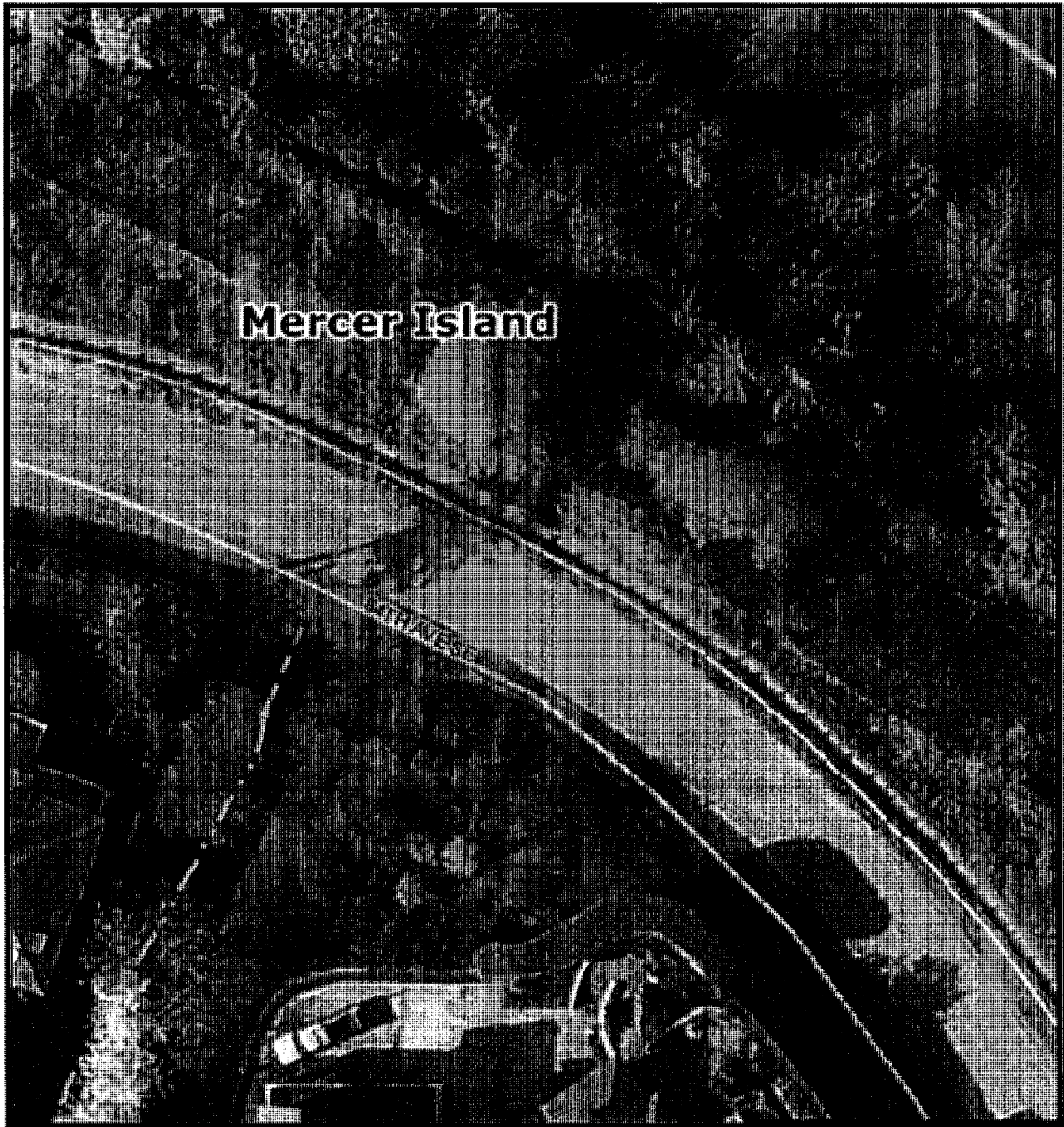


PHOTO 14: Aerial view of watercourse between SE 29th Street and SE 28th Street. Beyond the north end (outlet) of the pipe under SE 28th Street/84th Avenue SE the condition of the watercourse was unclear. I was unable to find any open channel between SE 28th Street and the retaining walls adjacent to the south side of I-90.

I was unable to identify any of the open channels shown on the City's map between SE 28th Street and I-90 (*see Photo 14 above*). It is possible, based on the steep terrain and the retaining walls adjacent to I-90, that any stormwater runoff collected on the south side of I-90 is conveyed in a closed-drainage system under I-90 and may outlet into an open channel on the north side of north Mercer Way.

CONCLUSIONS

- (1) Based on my field review, reading of the pertinent MIMC sections, and evaluating available aerial photography (circa 2009), I have concluded there is not a Type 2 or Type 3 Watercourse located within or immediately adjacent to either the south side or the north side of the Coval property.
- (2) Within the entire length of the drainage from SE 33rd Street to Se 28th Street ~45% of the length is in drainage pipes, ~37% is open drainage that does not meet the MIMC definition of a watercourse, and the northern 18% is consistent with the MIMC definition of a Type 3 Watercourse.

RECOMMENDATION

Please note that my conclusion must be reviewed and accepted by the City of Mercer Island before being considered final. I recommend delaying any significant land use planning activities until after the City's staff has reviewed and approved this report.

STATEMENT OF QUALIFICATIONS: Larry D. Burnstad, Senior Environmental Scientist

I received a BS in Biological Sciences with an emphasis Fisheries Management from California State University at Sacramento in June 1974. That same month I began my professional environmental career as a GS-4 Hydrologic Technician working for the U.S. Forest Service (USFS) first on the Sandpoint Ranger District in Sandpoint, Idaho (1974) and then as a GS-5/7 Hydrologic Technician on the Banners Ferry Ranger District in Bonners Ferry, Idaho (1975 – 1976). In 1977 I transferred to the San Juan National Forest Supervisor's Office in Durango, Colorado, where I worked as the Forest Hydrologist (GS-9). In 1978 I was assigned as Forest Hydrologist (GS-11) on the Malheur National Forest Supervisor's Office in John Day, Oregon. In 1980, I transferred to the Mt. Baker-Snoqualmie National Forest as Hydrologist (GS-11) in the South Zone Engineering Center in Enumclaw, Washington. In 1982, the Engineering Zone was eliminated and I was assigned to the White River Ranger District as the Other Resources Assistance (GS-11) with a staff of 4 permanent and 6 seasonal professionals involved in fish and wildlife habitat, watershed, mineral/geothermal resources, and recreation management programs.

During my 10 years with the USFS my responsibilities included being directly involved in and/or managing staff personnel to accomplish the following:

1. Stream channel habitat and stability assessments to: (a) establish baseline watershed conditions and (b) evaluate habitat conditions within active land use projects. Typical land use projects included timber harvest, road construction, mining, and livestock grazing (within allotments). Assessment activities involved:
 - a. Physically walking stream channels on both national forest and private land in watersheds within the District or National Forest boundary. Tasks included observing and documenting (in writing and with photographs) the stream channel and riparian area or designated buffer characteristics.
 - b. Identification of active and potential erosion hazard areas and/or landslides within the stream corridor.
 - c. Identification of human-caused impacts to fish and wildlife habitat including the type and location of human-made fish migration barriers.
 - d. Establishing and maintaining a data base to store the stream channel/corridor information collected. This data base was used to provide input to Environmental Assessments, Environmental Impact Statements, and other land use planning documents.
2. Fish and wildlife habitat identification and delineation. This activity included:
 - a. Conducting fish population and aquatic organism assessments to determine existing conditions and establish a baseline inventory.
 - b. Identification and delineation of wetland habitat as well as documentation of wildlife use within wetland habitats.
 - c. Establishing and maintaining a data base to store the habitat information collected. This data base was used to provide input to Environmental Assessments, Environmental Impact Statements, and other land use planning documents.
3. Water quality and quantity monitoring to: (a) establish baseline information and (b) assess ongoing land use activities. This program involved:
 - a. Locating and establishing permanent monitoring stations, collecting water samples, and measuring stream flows. Data collected was used to establish background water quality conditions and hydrologic regimes within watersheds managed primarily by the USFS.
 - b. Locating and establishing temporary monitoring stations to collect water quality and quantity information upstream and downstream of active land use projects. The data collected was used to monitor for project related water quality degradation as it occurred and implement immediate impact prevention measures.
 - c. Maintaining and using a variety of field instruments for collecting various water quality parameters.
 - d. Constructing and maintaining water quantity gauging stations as well as measuring water flow.
 - e. Setting up, maintaining, and collecting data from precipitation gauges.
 - f. Establishing and maintaining a water quality lab as well as using laboratory equipment to analyze samples collected at the monitoring stations.
 - g. Maintaining a water quality and quantity data base to store information collected as part of baseline inventory projects and as part of ongoing efforts to eliminate or minimize land use activity impacts.

4. Watershed analysis reports including assessment of flood damage and proposals for flood damage restoration.
 - a. This activity also included runoff modeling to assess the impact of proposed land use activities on stream channel habitat, stream hydrology, and human-made structures such as culverts and bridges.
 - b. Modeling results were also provided to engineering staff to assist with road drainage and channel crossing design.
5. Field evaluation of proposed road alignments, including identification and delineation of wetland habitat, stream crossing, and potentially unstable slopes. Making recommendations for alternative routes to avoid or minimize environmental impacts associated with proposed road construction projects.
6. Providing technical input related to stream crossing, road drainage, and erosion control design elements for road construction projects;
7. Preparation and submittal of written reports related to existing conditions within and downstream of proposed land use activities with specific emphasis on recommended “best management practices” intended to avoid or minimize adverse environmental impacts that could potentially, or were likely to, result from project implementation;
8. Preparation and submittal of habitat impact mitigation and/or restoration plans.
9. Preparation and submittal of portions of Environmental Assessments, Environmental Impact Statements, and Long Range Land Use Planning documents.

Following my resignation from the USFS in 1994 I started Watershed Dynamics, using my previous 10 years experience to provide environmental consulting services to both public and private sector clients. For the past 28 years the primary focus of my consulting has been assessment, management, and restoration of stream channel and wetland habitat as well as providing technical expertise to interdisciplinary project design teams. I have provided, and continue to provide, consulting services including:

- Onsite and near-site evaluation to identify, delineate, and classify stream and/or wetland habitats/habitat types within and/or immediately adjacent to proposed land use projects.
- Preparation and submittal of written reports used by clients in project planning and design as well as agency permit application submittals.
- Preparation of project design alternatives focused on stream and/or wetland habitat and buffer impact avoidance or minimization.
- Attendance at client meetings with Federal, state, and local regulatory staff. This has included preparation and presentation/submittal of pertinent environmental information used in agency evaluation of proposed land use projects and, once permitted, specific agency permit conditions and/or requirements.
- Stream/wetland habitat and buffer impact mitigation/restoration design and permit acquisition. This has included Federal, state, and local agency stream and wetland habitat/buffer restoration projects.
- Mitigation/restoration project construction management, including environmental monitoring required by agency permits (i.e. NPDES/SWPPP).
- Post-construction performance monitoring, with report preparation for periodic submittal to permitting agencies.

My 38-year environmental “consulting” career has afforded me the opportunity to work on projects in Washington, Oregon, Idaho, Colorado, and California including the evaluation of over 300 miles of stream channels. I have had the opportunity to work on a variety of projects involving forest land management activities, commercial and residential developments, highway/road projects, electrical transmission lines, fiber optic cable installations, hydroelectric project relicensing, dredge mining sites, and numerous stream and wetland habitat restoration projects.

I have also functioned as the contracted “environmental” staff person for several small municipalities in King and Pierce counties. The majority of my assignments involved review of proposed private development projects, SEPA Checklists and other environmental documents, and mitigation plans to assure compliance with local agency development regulations. I have also provided code enforcement assistance specifically related to the wetland and aquatic habitat portions of local critical areas regulations. Further, in 2004 through 2005 I worked with Matt Mathis on the development and passage of the revised Critical Areas Ordinance for the City of Enumclaw, a Washington Department of Ecology requirement.

April 17, 2013

Shana Crick
City of Mercer Island
Development Services Group
9611 SE 36th Street
Mercer Island, WA 98040

Re: Coval Property – Peer Review of Critical Areas Study

Dear Shana:

This letter presents the findings of an environmental review of a critical area study, which was conducted on the Coval Property, located at 3051 84th Avenue SE in the City of Mercer Island. The following report documents were reviewed for this study:

Critical Areas Review: Coval Property, prepared by Watershed Dynamics, dated March 30, 2013.

Methods

The provided critical areas study was reviewed. Additionally, public-domain information on the subject property was also reviewed for this study. These sources include USDA Natural Resources Conservation Service Soil maps, U.S. Fish and Wildlife Service National Wetland Inventory (NWI) maps, City of Mercer Island GIS maps, and King County's GIS mapping website (iMAP).

I visited the site on April 15, 2013 to review site conditions reported by Watershed Dynamics.

Findings

The subject property is 5-acres; it contains a single-family residence and accessory buildings. The critical areas study provided by Watershed Dynamics (the report) for this property, does not address all onsite and adjacent critical areas. Only one of two mapped watercourses in the immediate vicinity is discussed. As shown on the enclosed GIS map, two watercourses are mapped in the project vicinity, one (Type 2) onsite and one (Type 3) east of the right of way for 84th Avenue SE. Additionally, although wetland conditions were observed onsite, wetlands are not mentioned in the report.

Onsite Watercourse

A Type 2 watercourse is mapped by the City within a natural ravine in the central portion of the subject property. Flows through the ravine enter the property via a

culvert near the south property boundary/SE 32nd Street. There is a box culvert under the interior dirt road and a culvert at the north property boundary. The ravine from upslope (south) to down-slope (north) is shown in the photos below.



Mapped Type 2 Watercourse: onsite segment from top to bottom (clockwise). 1) inlet culvert at the south end, 2) alluvial sediment deposition, 3) box culvert under interior road, 4) looking south at yard waste on north end of box culvert, 5) flow path, 6) sediment deposition and outfall culvert at the north end.

Water was not flowing through the ravine on the day of my site visit. Periodic flow is evidenced by sediment deposition and limited scour, which was seen in patches along the length of the ravine. However, the channel is ill defined and lacks distinct banks. Fallen leaves and yard clippings obscured much of the flow path. No open channels were observed immediately above or below the subject property. An open channel was noted a few blocks downslope of the subject property, approaching SE 28th Street; this feature appears to be accurately mapped as a Type 3 seasonal watercourse.

Some onsite areas within the ravine were inundated or saturated at or near the surface. These areas are described in the wetland section below.

Offsite Watercourse

The Type 3 watercourse mapped east of 84th Avenue SE was not documented or discussed in the report. The buffer of this watercourse may encumber the subject property. This mapped feature needs to be addressed in the report.

Wetlands

A pond north of the residence is mapped by NWI as an impounded wetland, L1UBHh (Lacustrine Limnetic Unconsolidated Bottom Permanently Flooded Diked/Impounded). This feature appears to be constructed; the pond edges are lined with rock. Water flows from the upper to the lower pond via a watercourse-like channel. Observed conditions indicate that water is likely pumped and re-circulated within the pond. The source of hydrology is not evident. No natural wetlands were observed in the immediate vicinity of the pond.



Pond: (left) looking NE from the west edge; (right) looking SE from the west edge.

In addition to the pond, wetland conditions were observed in association with the mapped onsite watercourse. Standing water, saturated soils and a high ground water table was observed both above and below the interior dirt road (See photo documentation below). Vegetation in wet areas is characterized by osoberry, English holly, iris, lady fern, creeping buttercup, and at least one skunk cabbage.



Wetland Conditions: (left) standing south of the dirt road, looking downslope; (right) standing north of the dirt road, looking NE [Note: yellow skunk cabbage (OBL) near the center of this photo.]. Dark patches in each photograph are standing water/saturated soils.

Conclusions

The onsite watercourse is clearly not perennial as mapped. The natural ravine does form a course or route along which surface waters flow. As evidenced by poor channel definition, it flows intermittently, presumably in low volume. Per the city's definition (MIMC 19.16.010) watercourses are (**bold emphasis added**):

*“A course or route, formed by nature and **generally consisting of a channel with a bed, banks, or sides through substantially all its length**, along which surface waters, with some regularity (annually in the rainy season), naturally and normally flow in draining from higher to lower lands. The definition does not include irrigation and drainage ditches, grass-lined swales, canals, storm water runoff devices, or other courses unless they are used by fish or to convey waters that were naturally occurring prior to construction.”*

Although surface water is evidently conveyed through the ravine, flows are not substantial enough to produce a distinct bed and banks *through substantially all its length*. Based on my interpretation of the definition above, this feature is not a regulatory watercourse.

The offsite watercourse needs to be evaluated to determine if buffer encumbrances are applicable under the city code.

Although the pond appears to be a constructed feature built out of non-wetland area, it does appear on NWI maps and should therefore, be addressed in the critical areas report.

The observed wetland conditions within the ravine, including springtime hydrology, above and below the interior dirt road should be investigated and documented in a revised report.

Recommendations

The following report edits and additions are recommended:

1. Evaluate, document and classify onsite wetland areas in the ravine to inform the applicant of jurisdictional wetland status, regulatory wetland boundaries, and associated buffer widths.
2. Evaluate the pond to determine its jurisdictional status and acknowledge the NWI notation. If non-jurisdictional, provide reasoning for this conclusion.
3. Evaluate and document the offsite watercourse, east of 84th Ave SE to determine any onsite buffer encumbrances.

Please call if you have any questions or if I can provide you with any additional information.

Sincerely,

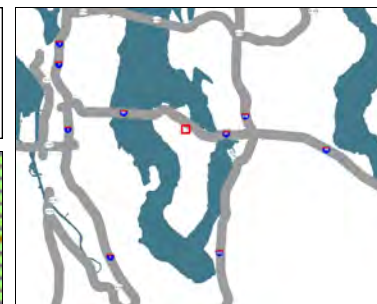
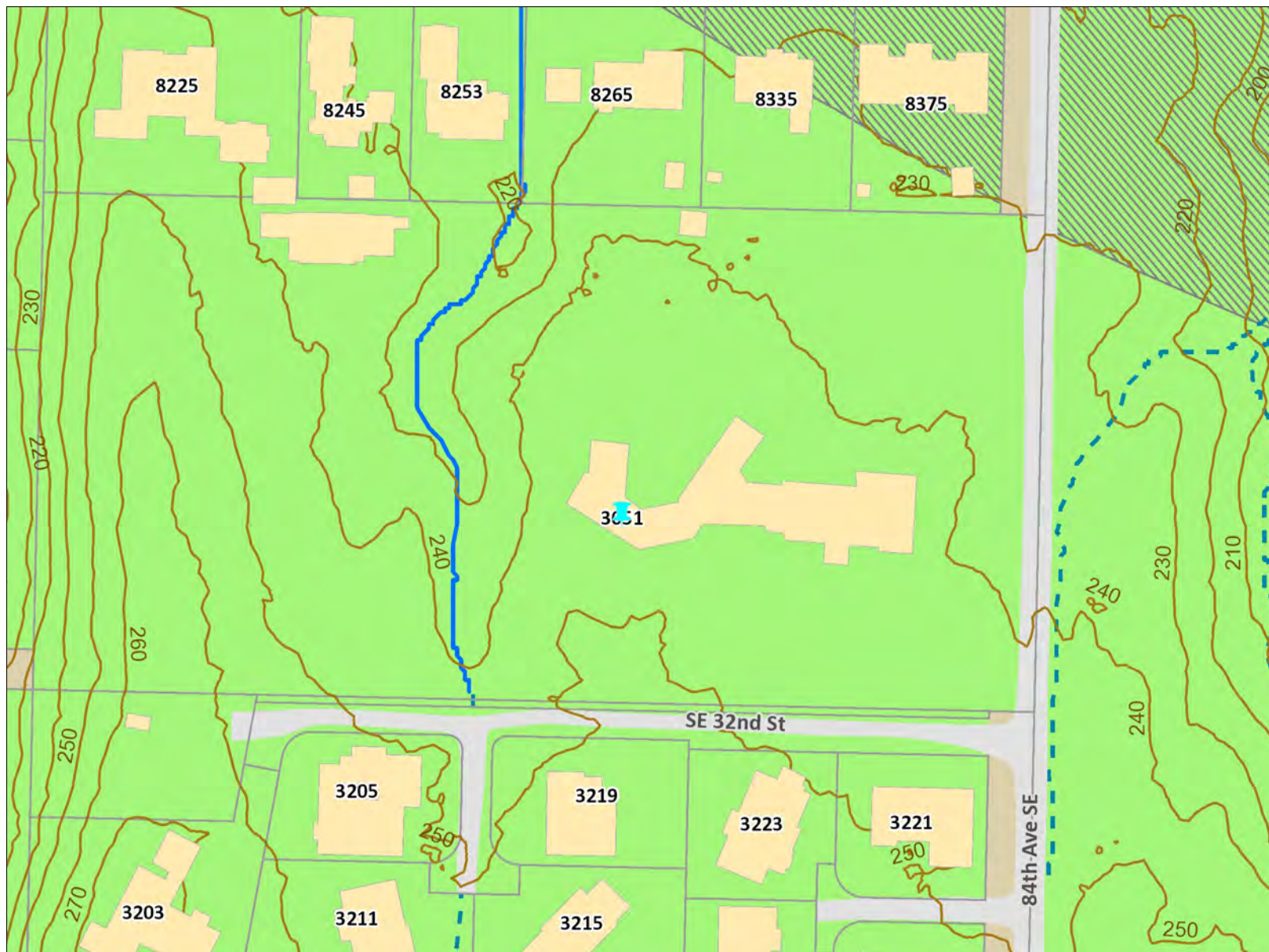


Nell Lund, PWS

Ecologist

Enclosures

City of Mercer Island



Legend

- Address
- Docks (2007)
- Building
- 10ft Contours (2000)
- Ownership Parcels
- Major Roads
- Bridge
- Paved Road
- Streets
- Watercourse
 - 1-Potential Fish Use
 - 2-Perennial
 - 3-Seasonal
- Right of Way
- Wind Exposure
- Wind Speed-Up
 - 1.0
 - 1.3
 - 1.6
 - 1.9
- Potential Slide
- Steep Slope
- Seismic
- Erosion
- Exploration Point
- GeoTech Document

1:1,216



202.7 0 101.37 202.7 Feet

Disclaimer: These maps were developed by the City of Mercer Island and are intended to be a general purpose digital reference tool. These maps are not an accepted legal instrument for describing, establishing, recording or maintaining descriptions for property concerns or boundaries. The City makes no representation or warranty with respect to the accuracy or currency of these data sets, especially in regard to labeling of surveyed dimensions, or agreement with official sources such as records of survey, or mapped locations of features.

Notes

Coval Property



U.S. Fish and Wildlife Service

National Wetlands Inventory

Apr 15, 2013



Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

User Remarks:

EXHIBIT 12

WATERSHED DYNAMICS

Post Office Box 215, Enumclaw, Washington TEL 360.825.9253 FAX 360.825.9248

DATE:	May 2, 2013	HARD COPY SENT:		YES	X	NO				
E-MAIL:	atlin@qwestoffice.net	E-MAIL COPY SENT:	X	YES		NO				
TRANSMITTAL	PAGES SENT INCLUDING COVER PAGE:		6							
SUBJECT:	Wetland Review at the Coval Property									
TO:	Mr. Wes Giesbrecht, President Atlin Investments, Inc.									
FROM:	Larry D. Burnstad, Senior Environmental Consultant									
PROJECT NAME:	Critical Areas Review: Coval Property									
PROJECT NUMBER:	Watershed Dynamics Project No. 2013001									

On March 28, 2013 I conducted a field review of the Coval property located at 3051 – 84th Avenue SE, Mercer Island, Washington. The purpose of that review was to determine if there were critical areas located within the property, specifically the presence of a Type 2 Watercourse shown on the City of Mercer Island (City) Watercourse Type Map.

As a result of my field investigation, which included a review of properties south and north of the subject property, I presented my findings in a March 30, 2013 Critical Areas Report. Based on my investigation I determined there was not a Type 2 Watercourse within the Coval property.

I did not report any findings related to other regulated critical areas such as wetlands, fish and wildlife habitat conservation areas, flood hazard areas, or geologic hazard areas. I did not find any evidence of wetlands or fish and wildlife habitat conservation areas within, or in close proximity to, the Coval property. My professional training and expertise qualifies me to evaluate and report on watercourses, wetlands, and fish and wildlife habitat conservation areas.

My March 30, 2013 report was reviewed for the City by the Watershed Company. In their April 17, 2013 memo the Watershed Company indicated concurrence with my findings related to the Type 2 Watercourse. In addition, the memo discussed the presence of a Type 3 Watercourse located east of the subject property in a City park (*see Page 3*) and potential wetlands within the subject property (*see Page 3 and Page 4*).

On Page 5 of their memo, the Watershed Company recommended evaluation of:

1. The “onsite wetland areas in the ravine” originally mapped by the City as a Type 2 Watercourse,
2. A “pond” that is shown in the U.S. Fish and Wildlife Service National Wetland Inventory (NWI) data base as a L1UBHh (Lacustrine, Limnetic, Unconsolidated Bottom, Permanently Flooded Diked/Impounded) wetland, and
3. A Type 3 Watercourse located in the City park east of 84th Avenue SE.

The following is provided in response to those recommendations, starting with the last item first.

ITEM 3: There is a Type 3 Watercourse located on the east side of 84th Avenue SE, but it is actually located further east of the road than shown on the City Watercourse Type Map. The channel is also more than 35 feet east of the east edge of the pavement (84th Avenue SE) and more than 60 feet east of

the east property line of the subject property. Therefore, the presence of the Type 3 Watercourse will not be an issue with respect to any future development of the subject property.

ITEM 2: According to an article copyrighted by David Paul Eck in 2012, the “pond” that appears on the NWI map is a human-made feature. The pond is located at the original site of the 1913 Alexander house and was the wine cellar for that house. In 1948 the Alexander house was removed and the new house was constructed in its present location. The property owners (the Starrs) converted the wine cellar into a swimming pool.

In 1982 when the Coval’s purchased the property, the swimming pool remained until they remodeled the house and added an indoor pool at the west end. Rather than filling the wine cellar/swimming pool, the Coval’s elected to convert the pool into a koi pond.

Using a design created by John Fish (*their indoor pool designer*) the koi pond was constructed using of massive pieces of Hansen Creek Quarry granite, rebar, and gunite,. The water in the pond is circulated and filtered by a pumping system located in an underground vault near the pond.

During my site visit I inspected the outer edge of and looked at the visible pond bottom. I confirmed the structure was a combination of large rock and gunite. I observed several koi in the pond as well as a wide variety of plants within and along the edges of the pond.

CONCLUSION: Based on the article I reviewed and my field observations, I have concluded the “pond” does not meet the criteria required to be a regulated or jurisdictional wetland.

ITEM 1: With respect to the potential wetland noted by the Watershed Company on April 15, 2013 I offer the following:

There are three features (wetland indicators) that must be present for a wetland to be delineated. The indicators are the presence of:

- Hydrophytic (*wetland*) vegetation that is dominant in the vegetative community,
- Hydric soils (*soils that have evolved in the presence of wetland hydrology*), and
- Wetland hydrology (*inundation or saturation in the upper 12 inches of the soil column*), which is present for a minimum of 14 consecutive days during the growing season and under conditions of normal precipitation.

The Coval property is a managed landscape with a majority of the plant species being non-native. There have been gardeners/landscape management personnel present each of the four times I have visited the property. The lawn appeared to be mowed and the flower beds cultivated frequently.

The vegetation in the “ravine”, which is located in the western portion of the subject property, has been and continues to be managed as part of the landscaping within the subject property. Most of the plants in the ravine are non-native plants and not hydrophytic. Two large black cottonwood (*Populus trichocarpa*), some dandelion (*Taraxacum officinale*), and some buttercup (*Ranunculus repens*) were observed. Cottonwood and buttercup are hydrophytic (FACW) species, dandelion is not. None of these species were “dominant” in the ravine. The buttercup was sparse throughout the ravine and the two cottonwood were south of the interior pathway mentioned in the Watershed Company report.

As is the case over the entire property, the bottom of the ravine is weeded and cultivated regularly so there is very little groundcover except in those areas managed for non-native groundcover species. A majority of the bottom of the ravine is covered with leave litter (mulch) to reduce weed growth, although there were some areas of bare ground.

I spoke with one of the landscape maintenance personnel who had worked on the subject property for over 10 years. He indicated much of the soil in the ravine had been augmented with organic compost and sand to enhance plant growth. He also indicated there was an irrigation system along both sides of the ravine that is active throughout the late spring to late fall when there was insufficient precipitation to maintain healthy plants.

Based on my observations and the information regarding the extent of “manipulation” within the ravine any wetland evaluation would have to be conducted using the “Atypical Situations” protocol defined in the 1987 US Army Corps of Engineers Wetland Delineation Manual and the accompanying Supplement for Western Mountains, Valleys, and Coast Region. The protocol are also defined in the 1997 Washington Department of Ecology Wetland Identification and Delineation Manual.

When I visited the site on March 28, 2013 there were no wetland indicators present. I walked through the ravine on the Coval property and did not see what was noted by the Watershed Company south of the internal pathway. The following information is relevant:

- During the 14 days prior to my site visit the observed precipitation at the SeaTac weather station totaled 1.46”.
- Normal precipitation total for that time period is reported by the National Oceanographic and Atmospheric Agency (NOAA) to be 1.66”.
- The observed precipitation was 88% of normal. Precipitation amounts between 70% and 130% of normal are defined as “normal conditions”.

The Watershed Company conducted their site review on April 15, 2013 and reported standing water in the area upslope (south) of the interior pathway.

- During the 14 days prior to my site visit the observed precipitation at the SeaTac weather station totaled 4.54”.
- Normal precipitation total for that time period is reported by the National Oceanographic and Atmospheric Agency (NOAA) to be 1.41”.
- The observed precipitation was 322% of normal. Precipitation amounts less than 70% or greater than 130% of normal are not within the range defined as “normal conditions”.

I visited the site on April 22, 2013 to review the information provided by the Watershed Company. I reviewed the potential wetland area noted in their report and found saturated soil, but did not observed inundation. I excavated a soil pit in the bottom of the ravine approximately 50 feet south of the interior pathway. There was standing water in the pit even with the ground surface.

- During the 14 days prior to my site visit the observed precipitation at the SeaTac weather station totaled 2.60”.
- Normal precipitation total for that time period is reported by the National Oceanographic and Atmospheric Agency (NOAA) to be 1.29”.
- The observed precipitation was 201.5% of normal. Precipitation amounts less than 70% or greater than 130% of normal are not within the range defined as “normal conditions”.

I returned to the site on April 26, 2013 to continue my investigation of the potential wetland reported by the Watershed Company. I was looking for evidence of hydrophytic vegetation, hydric soils, and wetland hydrology. My findings are presented below:

Soil Pit #1

Soil Pit #2
IE=227.69'

Soil Pit #3
46' COT

Soil Pit #4

Soil Pit #5

TPN:1224049010
PARCEL AREA:
±221,883 SQ. FT.
5.09 ACRES

TBM 'B'
EL=230.47'

Other features: GARAGE, CARPORT, SHED, TENNIS COURT, DIRT ROAD, POND, BOTTOM OF WATERFALL, 3501 84TH 2 STORY FRAME, SWALE, CULVERT IE 12" CPP S = 238.30', 4" PVC FROM NE EL = 241.14', 688.63' 30'-40" WIDE LAUREL HEDGE, 16.8' GARAGE, 10'D 10'D, 6" YEW, 6"D, 10"A, 10"FR, 8"D, 10"M 10" 6"M, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000.

Coval Property – Response to Watershed Company 04/17/13 Memo - Page 4

HYDRIC SOILS: I excavated 4 additional soil pits in the bottom of the ravine (*see Figure 1 above*). Two pits were located north of the interior pathway and two were located to the south.

- Soil Pit #1 was located approximately 15 feet south of the inlet to the drainage pipe under the property immediately north of the Coval property.
- Soil Pit #2 was located approximately 20 feet to 25 feet north of the interior pathway.
- Soil Pit #3 was located approximately 40 feet north of the south property line fence in an area where the Watershed Company reported the presence of sediment deposits.
- Soil Pit #4 was located approximately 85 feet north of the south property line fence. This pit was approximately 10 feet south of one of the two large cottonwood trees.
- Soil Pit #5 was located approximately 45 feet south of the interior pathway in the area noted by the Watershed Company as indicative of a potential wetland due to observed standing water.
- NOTE: The soil in Pit #5 was marginally hydric (10YR 3/1+ from 0" to -8" without mottles and 10YR 4/2 from -8" to -16" without mottles).

WETLAND HYDROLOGY: There was no evidence of wetland hydrology in any of the four pits. There was standing water 8 inches below the ground surface when I excavated Soil Pit #5 on April 26, 2013.

- During the 14 days prior to my site visit the observed precipitation at the SeaTac weather station totaled 2.14".
- Normal precipitation total for that time period is reported by the National Oceanographic and Atmospheric Agency (NOAA) to be 1.21".
- The observed precipitation was 177% of normal. Precipitation amounts less than 70% or greater than 130% of normal are not within the range defined as "normal conditions".
- Wetland hydrology was also problematic because there had been greater than normal precipitation during the 14 days preceding each of the April site visits. Precipitation records from October 1, 2012 (beginning of the Water Year) through April 28, 2013 reported total precipitation as 36.06 inches and normal total precipitation 30.76 inches. For the Water Year to date precipitation was 117% of normal, which is within the parameters for "normal conditions" while precipitation prior to the site visits was above normal precipitation.
- Based on the information I have presented above and the graph on the next page, it is my professional judgment that wetland hydrology is not present during "normal conditions" as required for there to be a wetland identified and delineated. As shown on the graph, the near-surface groundwater recedes as the recorded precipitation approaches normal conditions. The trend in the water level line indicates standing water would be below -12 inches when the precipitation reaches normal conditions.

INSERT GRAPH

CONCLUSION

1. Based on my review of the NOAA SeaTac precipitation records I have concluded the standing water observed by the Watershed Company and my observations of the near-surface groundwater in Soil Pit #5, the requirement for wetland hydrology would not be met during periods of “normal precipitation”.
2. Groundcover vegetation in the bottom of the ravine was limited (sparse) and the majority of the species present were non-native ornamental plants. There were scattered buttercup and dandelion in the ravine, but neither were the dominant species in any location. The dominant shrub species was Indian plum or Osoberry (*Oemleria cerasiformis*), which is not a hydrophytic species. As noted earlier there were two very large cottonwood south of Soil Pit #5, but their size strongly suggests a deep root system not dependent on near-surface hydrology.
3. The soil characteristics in Soil Pit #5 were marginally hydric, but there was no evidence of iron depletion or concentration typically associated with soils exposed to longer periods of inundation or saturation.
4. The area within the ravine is managed along with the rest of the property to maintain a high quality landscaped environment. This landscape management activity has been ongoing since the Coval's have owned the property.
5. The basin hydrology has been significantly altered by residential development south of the Coval property. There is a stormwater detention vault located immediately south of the Coval property that discharges onto the Coval property approximately 35 feet north of the south property line. The vault is designed to retain most precipitation events and discharges during high volume events.

As previously noted, the observed precipitation during the 14 days prior to the Watershed Company site visit was 322% of normal. It is highly probable the detention vault capacity was surpassed several times during that time period. The flow is concentrated by the 12-inch diameter outflow from the vault and the area surround Soil Pit #5 is the first low area where water could concentrate down slope from the outfall.

The lack of discharge from the vault in the days following the Watershed Company's observations, the water percolated into the soil to the level I observed 11 days later.

These factors appear to explain the presence of the “sediment deposits” and “standing water” observed by the Watershed Company.

In conclusion, based on my review of the available information (*published and personal communications*) and my field observations, I have determined there are no regulated wetlands in the ravine or in any other location on the Coval property.

WATERSHED DYNAMICS**Post Office Box 215, Enumclaw, Washington TEL 360.825.9253 FAX 360.825.9248**

DATE:	June 11, 2013	HARD COPY SENT:		YES	X	NO
E-MAIL:	atlin@qwestoffice.net	E-MAIL COPY SENT:	X	YES		NO
TRANSMITTAL	PAGES SENT INCLUDING COVER PAGE:		6			
SUBJECT:	June 6, 2013 Site Review					
TO:	Mr. Wes Giesbrecht, President Atlin Investments, Inc.					
FROM:	Larry D. Burnstad, Senior Environmental Consultant					
PROJECT NAME:	Critical Areas Review: Coval Property					
PROJECT NUMBER:	Watershed Dynamics Project No. 2013001					

This memo has been prepared to provide information reaffirming the conclusions presented in my May 2, 2013 memo. That memo documented my responses to concerns raised by the Watershed Company in a April 17, 2013 memo to the City of Mercer Island (City). In my May 2nd memo I stated I did not believe there were any regulated or jurisdictional wetlands within or in close proximity to the Coval property because, under normal circumstances, none of the areas investigated would exhibit all three wetlands characteristics. The three characteristics are:

1. a dominance of hydrophytic plant species,
2. wetland hydrology, defined as inundation or saturation in the upper 12 inches of the soil column for 14 consecutive days during the growing season, and
3. the presence of hydric soils.

The following is offered as in support of and as clarification for the conclusions I presented on May 2, 2013.

1. March 28, 2013: Watershed Dynamics completed an investigation of the potential "watercourse" upstream of, within, and downstream of the Coval property. Included walking through the entire ravine located in the western portion of the subject property. No areas of standing water or saturated soil were observed in the ravine.
2. March 30, 2013: Submitted memo documenting watercourse study methods and findings to Atlin Investment. That memo was submitted to the City of Mercer Island (City) and reviewed by the Watershed Company.
3. April 15, 2013: Watershed Company conducted site review.
4. April 17, 2013: Watershed Company submitted memo to City of Mercer Island (City) that included a request for additional information regarding a potential wetland located in the ravine south of the equipment path.
5. April 22, 2013: Watershed Dynamics walked the entire ravine from south to north looking for evidence of wetland plants and/or saturated/inundated soils. The following items were observed:
 - a. The area in the bottom of the ravine, approximately 2,500 square feet to 2,800 square feet appeared to be regularly maintained.

- b. Maintenance appeared to include soil tilling and “weed” removal. This observation was confirmed during conversations with the lead landscape maintenance person. He also indicated the soil had been amended with compost, sand, and organic soil to improve plant productivity.
- c. The plant community in the section of the ravine south of the pathway was dominated by non-hydrophytic shrub species, mainly Indian plum (*Oemleria cerasiformis*). There were two large black cottonwood (*Populus balsamifera*) located approximately 60 feet south of the path. Black cottonwood can be indicative of wetland habitat, but can also grow in areas with deeper water tables.
- d. The few emergent species observed in this area were dandelion (*Taraxacum officinale*) and buttercup (*Ranunculus* sp.). The former is an indicator of upland habitat and the latter is listed by the U.S. Army Corps of Engineers as a wetland habitat indicator.

NOTE: *Based on my observations over the past 30 years, I consider buttercup a poor wetland indicator because it requires minimal soil moisture, grows in shaded areas that are not wetland habitat, and has been observed growing in the cracks and joints of concrete sidewalks/driveways. When buttercup is the only “wetland” indicator species present, I typically want to see strong indications of hydric soil and wetland hydrology before I define an area as wetland.*

In all but one area of the ravine where I observed buttercup, I did not find wetland hydrology or hydric soils.

- e. I walked the entire ravine and found evidence of wetland hydrology only in the area noted in the Watershed Company memo. I observe standing water and saturated soils in an area approximately 8 to 12 feet wide that extended 40 to 50 feet south of the equipment path.
- f. I excavated a soil pit approximately 40 feet south of the path and observed standing water within 0.5-inches of the ground surface. Under normal circumstances this would have been indicative of wetland hydrology.

NOTE: *Rainfall amounts ranging from 70% to 130% of normal (average) precipitation are considered “normal circumstances” by the U.S. Army Corps of Engineers.*

- g. In addition, the dominant plant observed was Indian plum (*Oemleria cerasiformis*). There were one or two buttercup growing in this area along with a small patch of yellow flag iris (*Iris pseudoacorus*) along the east side of the area. The U.S. Army Corps of Engineers designates:
 - i. Indian plum as an upland habitat indicator.
 - ii. Buttercup as a wetland habitat indicator (*see note above*).
 - iii. Yellow-flag iris as a wetland indicator
 - h. The soil was too wet to conclusively determine if the soil in the sample pit was hydric.
6. April 24, 2013: Watershed Dynamics visited the NOAA internet site to collect SeaTac weather station precipitation data for the 14 day periods prior to March 28th, April 15th, and April 22nd. The following information was collected:
- a. During the 14-day period prior March 28th a total of 1.46” of precipitation (~88% of normal) was measured at the NOAA Weather Station at SeaTac Airport.
 - b. During the 14-day period prior to April 15th a total of 4.54” of precipitation (322% of normal) was recorded.
 - c. During the 14 day period prior to April 22nd a total of 2.60” of precipitation (201.5% of normal) was recorded.
7. April 26, 2013: Watershed Dynamics returned to the site to evaluate near-surface hydrology and the soil characteristics in the previously excavated soil pit.

- a. During the 14 day period prior to April 26th a total of 2.14" of precipitation (177% of normal) was recorded.
8. May 2, 2013: Watershed Dynamics submitted a memo to Atlin Investments, Inc. This report documented the results of the April 22, 2013 and my conclusions with respect to the potential wetland:
 - a. Wetland Hydrology
 - i. The water level in the soil pit had dropped approximately 8 inches during the 4 days between site visits.
 - ii. Precipitation during the 14 days prior to April 26th the precipitation recorded at SeaTac was approaching the "normal range" although still above normal.
 - iii. Based on this information I concluded the requirement for 14 consecutive days of inundation or soil saturation in the upper 12 inches of the soil column under normal circumstances probably would not be met.
 - b. Hydric Soils
 - i. Hydric soil indicators were marginal.
 - ii. Soils in the upper 8 inches were mixed with no distinct horizons.
 - iii. Soil color was 10YR 3/1 to 3.2 with no mottles.
 - iv. Soil texture was sandy loam with evidence of prior soil amendment.
 - c. Hydrophytic Plants
 - i. There were two buttercup within the 450 square foot to 500 square foot area. Buttercup is a poor wetland indicator and, in this case, was not the dominant species.
 - ii. There was a patch of yellow-flag iris on the eastside of the ravine, but it was also not the dominant species. Additionally, yellow-flag iris is a commonly used landscape plant in areas that are shaded and stay moist during most of the growing season.
 - iii. The dominant species was Indian plum, an upland habitat indicator.
 - d. Based on the observations of the three parameters I concluded the area suspected of being a wetland was, in fact, not a wetland because the three parameters were not conclusive indicators of wetland habitat. Although the site has been significantly manipulated, requiring the use of "Atypical Situations" protocol, no single parameter was conclusive enough to warrant delineation of the area as wetland.
 - e. Despite my reservations, I did delineate the area in question so it could be surveyed. The survey determined the potential wetland was 447 square feet in size, which is less than the size of Category IV Wetlands regulated by the City.
9. June 6, 2013: Watershed Dynamics revisited the Coval property specifically to evaluate wetland hydrology in the "potential" wetland.
 - a. During the 14 day period prior to June 6th a total of 0.73 inches of precipitation (91.25% of normal) was recorded. This amount of precipitation would be considered "normal".
 - b. I excavated two soil pits within the area and found no standing water on the ground surface or in the soil pit to a depth of 14" to 16". There was no evidence of seeps and the soil in the pit was not saturated.

In conclusion, I believe my June 6th findings reaffirm the conclusion presented in my May 2, 2013 memo stating there is not a regulated wetland in the area noted in the April 17, 2013 memo from the Watershed Company to the City of Mercer Island. Further, I have concluded there are no regulated or jurisdictional wetlands within or in close proximity to the Coval property.

June 17, 2013

Shana Crick
City of Mercer Island
Development Services Group
9611 SE 36th Street
Mercer Island, WA 98040

Re: Coval Property – Follow up to Peer Review of Critical Areas Study

Dear Shana:

This letter presents the findings of a follow up environmental review of a critical area study and new documentation, which was provided in response to my initial review letter, dated April 17, 2013. The following report documents were provided and reviewed for this study of the Coval Property, located at 3051 84th Avenue SE in the City of Mercer Island:

- *Critical Areas Review: Coval Property*, prepared by Watershed Dynamics, dated May 2, 2013.
- *Critical Areas Review: Coval Property*, prepared by Watershed Dynamics, dated June 11, 2013.

Methods

The provided critical areas study addendums were reviewed. Additionally, public-domain information on the subject property was also reviewed for this study. These sources include USDA Natural Resources Conservation Service Soil maps, U.S. Fish and Wildlife Service National Wetland Inventory (NWI) maps, City of Mercer Island GIS maps, and King County's GIS mapping website (iMAP).

I visited the site on June 14, 2013 to review site conditions reported by Watershed Dynamics. On that day I met with you, Larry Burnstad of Watershed Dynamics, Wes Giesbrecht of Atlin Investments, and the project architect, Fred Glick.

Findings

The submitted reports satisfactorily address all remaining critical area issues identified in my April 17, 2013 letter. The three items addressed in this follow up review are as follows:

1. Suspected wetland areas with the ravine were thoroughly evaluated and found to be non-wetland. Additional hydrology data was provided by Watershed

Dynamics, in addition to landscaping and irrigation details. Finally the June 14 site visit revealed a lack of wetland hydrology indicators within sampled soil pits.

2. The on-site pond, which appears on the National Wetland Inventory, was created by the current property owner and is supported by a water pump system. It is lined with rock and not supported by ground water. It is not a jurisdictional wetland. Per MICC 19.16.010, wetlands do not include artificial wetlands, such as landscape amenities.
3. City maps show an off-site Type 3 stream east of the subject property. As mapped, this stream would have a 35-foot buffer that would encumber the subject property. However, I completed a field investigation of the adjacent park property and did not find any jurisdictional streams within 50-feet of the Coval property.

Conclusions

Documentation provided to date is thorough and complete. No critical areas were found on or in the immediate vicinity of the Coval property; therefore, there are no critical areas or encumbering critical area buffers on the subject property.

Please call if you have any questions or if I can provide you with any additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Nell Lund".

Nell Lund, PWS
Ecologist

Enclosures



CITY OF MERCER ISLAND

9611 SE 36th Street • Mercer Island, WA 98040-3732

(206) 275-7605 • FAX (206) 275-7726

www.mercergov.org

June 18, 2013

Wes Giebrecht
North Bluff Developments, Ltd.
15080 North Bluff Road
White Rock BC V3B 5C1

RE: File No. CAO13-002 – Coval Critical Areas Determination

3051 84th Avenue SE, Mercer Island WA 98040;
King County Parcel No. 122404-9010

Dear Wes Giebrecht:

On April 3, 2013, the City received an application for a Critical Areas Determination (file number CAO13-002) to establish whether a watercourse is located on the above referenced property. City maps indicate that there is a Type 2 watercourse that runs from south to north across the center of the subject property. The watercourse is then shown to continue to the north into a pipe (Enclosure 1). Pursuant to Mercer Island City Code (MICC) 19.07.020(C), City maps are to be used for reference only. MICC 19.07.020(C) states "the applicant is responsible for determining the scope, extent and boundaries of any critical areas to the satisfaction of the code official." The applicants submitted to the City a "Critical Areas Review" dated March 30, 2013 and performed by Larry Burnstad of Watershed Dynamics (Enclosure 2). The report evaluated the site to determine whether the potential watercourse on the subject property met the following definition of "watercourses" in MICC 19.16.010(W):

A course or route, formed by nature and generally consisting of a channel with a bed, banks, or sides throughout substantially all its length, along which surface waters, with some regularity (annually in the rainy season), naturally and normally flow in draining from higher to lower lands. This definition does not include irrigation and drainage ditches, grass-lined swales, canals, storm water runoff devices, or other courses unless they are used by fish or to convey waters that were naturally occurring prior to construction.

The applicant's critical areas report concluded that there was not a watercourse either on or immediately adjacent to the Coval property (Enclosure 2, page 13).

As this application for a Critical Areas Determination was submitted ahead of a formal subdivision application, City staff decided to submit the project for peer review. The City contracted with the Watershed Company to perform a second watercourse study on the subject property. On April 17, 2013, the City received the peer review of Watershed Dynamics' critical areas study prepared by Nell Lund (Enclosure 3). On page 4 of Enclosure 3, the peer reviewer concurred with the applicant's assessment of the watercourse:

Although surface water is evidently conveyed through the ravine, flows are not substantial enough to produce a distinct bed and banks through substantially all its length. Based on my interpretation of the definition above, this feature is not a regulatory watercourse.

Nevertheless, the report from the Watershed Company stated that there were wetland conditions observed in a ravine on site.

...wetland conditions were observed in association with the mapped onsite watercourse. Standing water, saturated soils and a high ground water table was observed both above and below the interior dirt road (See photo documentation below). Vegetation in wet areas is characterized by osoberry, English holly, iris, lady fern, creeping buttercup, and at least one skunk cabbage.

On May 8, 2013, the applicant submitted to the City a second critical areas review prepared by Larry Burnstad (Enclosure 4), which addressed the potential wetland conditions on the subject site. Mr. Burnstad concluded that there were no regulated wetlands on the property. There was limited hydrophytic vegetation on site, which was located in an area subject to alterations to support landscaping (Enclosure 4, pages 2 and 3). Additionally, saturated soils could be attributed to above average precipitation (Enclosure 4, page 5).

The applicant was contacted on June 3, 2013 regarding contracting for peer review on Mr. Burnstad's report in response to potential wetland conditions on site. On June 11, 2013, the City received a report from Mr. Burnstad reaffirming his initial conclusions presented in his May 2, 2013 memo and restating that wetland conditions do not exist on the site (Enclosure 5). To resolve the wetland issue, Nell Lund of the Watershed Company and Larry Burnstad of Watershed Dynamics met with Wes Giesbrecht, Fred Glick, and Shana Crick on the subject property. Nell Lund performed an additional site investigation and determined that wetland conditions did not exist on the subject property. Ms. Lund's conclusions are documented in an addendum to her initial critical areas study (Enclosure 6), which was received by the City on June 17, 2013.

Suspected wetland areas with the ravine were thoroughly evaluated and found to be non-wetland. Additional hydrology data was provided by Watershed Dynamics, in addition to landscaping and irrigation details. Finally the site visit revealed a lack of wetland hydrology indicators within sampled soil pits.

Taking into consideration the findings of both Watershed Dynamics and the Watershed Company, it can be concluded that the Type 2 watercourse shown on City maps does not meet the definition of "watercourse" pursuant to MICC 19.16.010(W), and consequently will not be regulated as such. Furthermore, Mr. Burnstad's reports (Enclosures 4 and 5) and Ms. Lund's Follow up to Peer Review of Critical Areas Study (Enclosure 6) verified that regulated wetlands are not present on the subject property. Therefore, any subsequent development of the above referenced property would not be subject to buffer restrictions associated with regulated watercourses and/or wetlands under the current regulations.

Please do not hesitate to contact me via e-mail at shana.crick@mercergov.org or by phone at 206-275-7732 if you have any questions.

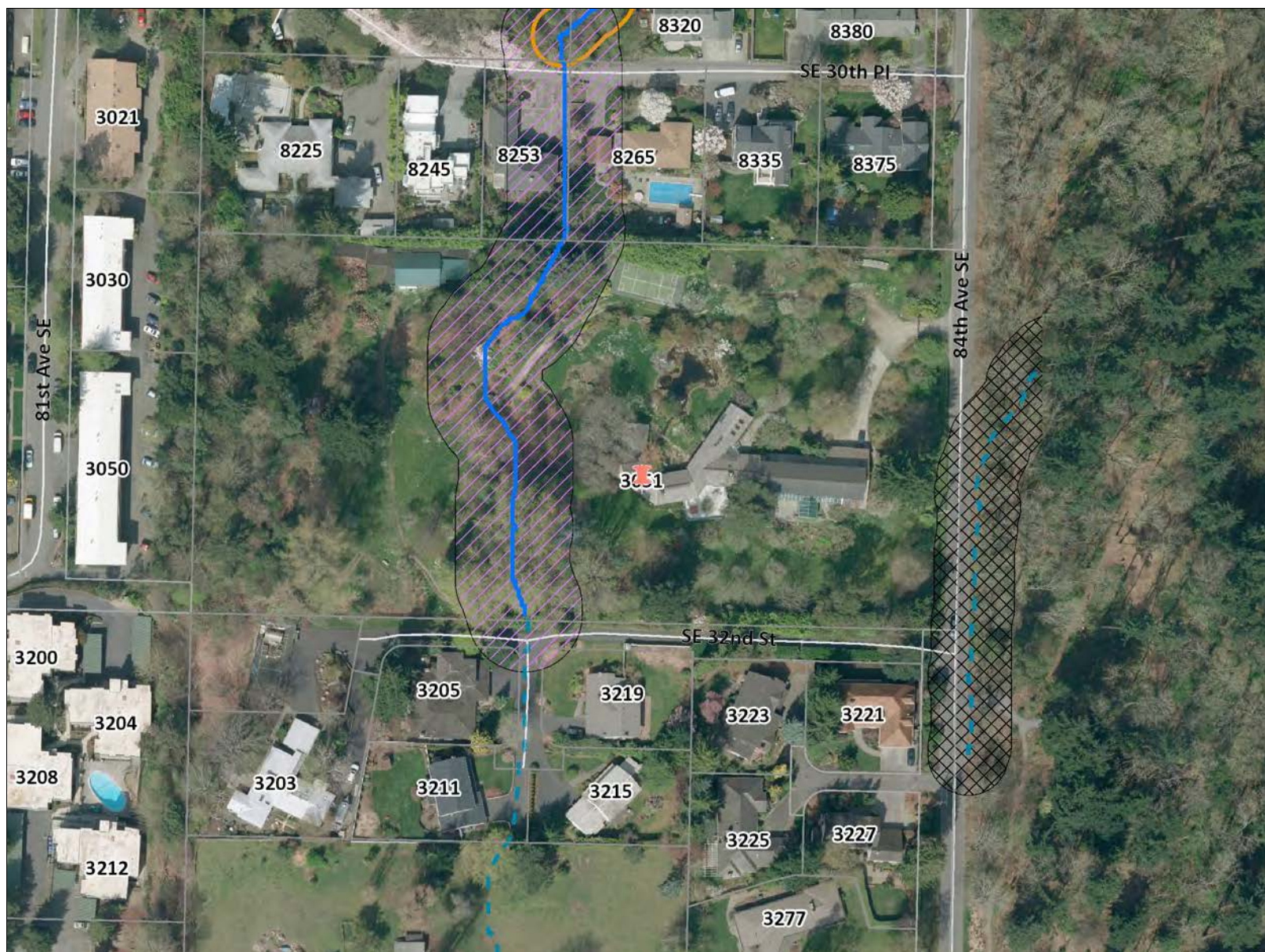
Sincerely,

Shana Crick

Shana Crick, Planner
City of Mercer Island Development Services Group

Copy: Myer Coval
Fred Glick

Enclosures (6)



Legend

- ☐ Parcels
 - ☐ Street Centerline
 - ☐ Address
 - ☐ Docks
 - ☐ Major Roads
 - ☐ Shoreline
 - ☐ Watercourse
 - ☐ 1-Potential Fish Use
 - ☐ 2-Perennial
 - ☐ 3-Seasonal
 - ☐ Type 1 Standard 75 ft Buffer
 - ☐ Type 2 Standard 50 ft Buffer
 - ☐ Type 3 Standard 35 ft Buffer
 - ☐ Piped WaterCourses 25ft Buffer
- April 2012
- ☐ Red: Band_1
 - ☐ Green: Band_2
 - ☐ Blue: Band_3

1:1,587



264.5 0 132.23 264.5 Feet

Notes

Enter Map Description

WATERSHED DYNAMICS

Post Office Box 215, Enumclaw, Washington TEL 360.825.9253 FAX 360.825.9248

DATE:	March 30, 2013	HARD COPY SENT:	X	YES		NO
FAX:	na	FAX COPY SENT:		YES	X	NO
E-MAIL:	sborgeson@pacland.com	E-MAIL COPY SENT:	X	YES		NO
TRANSMITTAL	PAGES SENT INCLUDING COVER PAGE:					
SUBJECT:	Watercourse Review for the Coval Property on Mercer Island					
TO:	Mr. Wes Giesbrecht, President Atlin Investments, Inc. c/o Mr. Scott Borgeson PACLAND 11711 SE 8 th Street, Suite 303 Bellevue, Washington 98005					
FROM:	Larry D. Burnstad, Senior Environmental Consultant					
PROJECT NAME:	Critical Areas Review: Coval Property					
PROJECT NUMBER:	Watershed Dynamics Project No. 2013001					

Thank you for the opportunity to review the Meyer Coval Property located at 3051 – 84th Avenue SE, Mercer Island, Washington (*see Figure 1 below*). As expressed prior to our field review on March 28, 2013, your primary concern was a Type 2 Watercourse that, per the City of Mercer Island Watercourse Type Map, appeared to be located on the west side of the subject property.

Per your request I reviewed both the critical areas information and the Mercer Island Municipal Code (MIMC) that were available on the City of Mercer Island (City) web site. As you indicated, the City's Watercourse Type Map indicates the presence of a Type 2 Watercourse that appears to be located in the western portion of the subject property. According to MIMC §19.06.010 – Definitions, a "watercourse" is defined as:

"A course or route, formed by nature and generally consisting of a channel with a bed, banks, or sides throughout substantially all its length, along which surface waters, with some regularity (annually in the rainy season), naturally flow in draining from higher to lower lands. This definition does not include irrigation and drainage ditches, grass-lined swales, canals, stormwater runoff devices, or other courses unless they are used by fish or to convey water that were naturally occurring prior to construction."

FINDINGS

Prior to my onsite review, I walked south from the Coval driveway entrance along 84th Avenue SE to SE 32nd Street, a paved road adjacent to the southern boundary of the subject property. I continued west along SE 32nd Street to the driveway leading to the residence at 3211 – 84th Avenue SE, which was located approximately 125 feet to 150 feet south of the subject property (*see Figure 1 below*). This driveway was immediately south of the swale designated by the City as a Type 2 Watercourse on the Coval property.

There was a large grassy depression (*see Figure 1 and Photo 1 below*) located south of the residence at 8211 – 84th Avenue SE. Based on my review of available topographic maps, this grassy area forms the "headwater" of the Type 2 Watercourse identified by the City as extending from SE 32nd Street north to Lake Washington. The hydrologic divide between this basin, which drains to the north, and the basin to the south is located at approximately the southern property boundary of the house seen in the background of Photo 1. The house visible in the background of Photo 1 is located on the south side of SE 33rd Place (*see Figure 1 below*).





PHOTO 1: Headwater area south of 8211 – 84th Avenue SE.

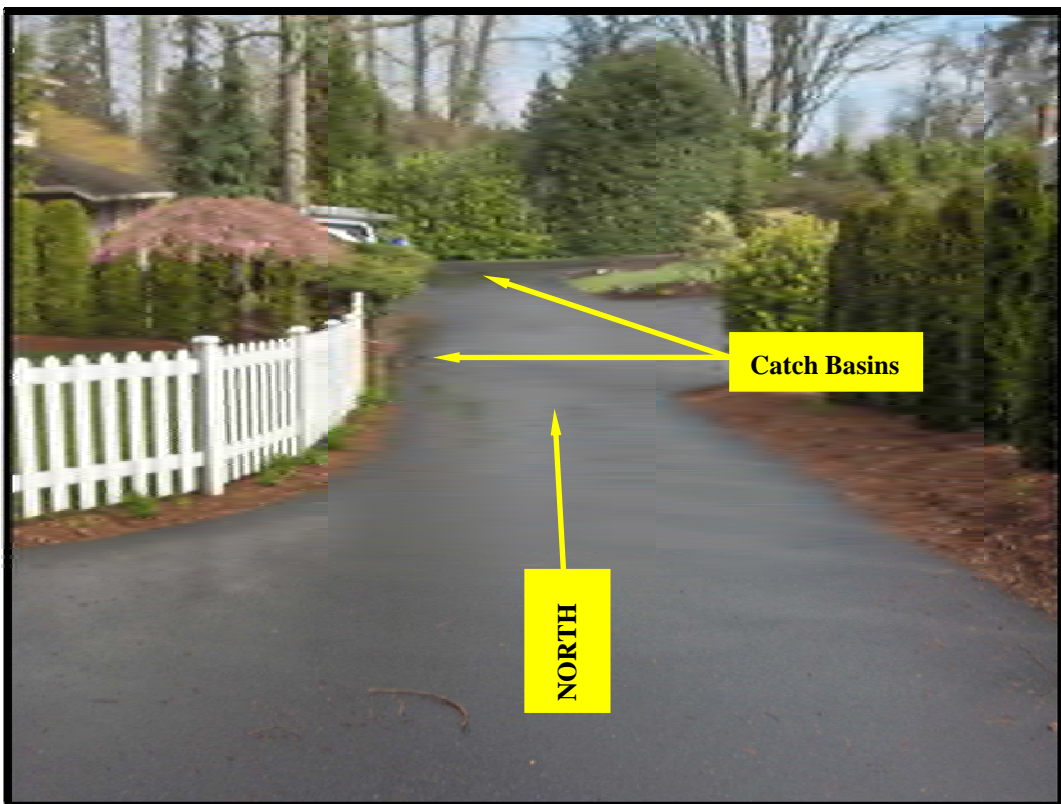


PHOTO 2: Driveway leading from 3211 – 84th Avenue SE north to Coval south property line.



PHOTO 3: View of catch basin in driveway leading to 8211 SE 32nd Street.

The grassy area visible in the foreground and middle ground of Photo 1 slopes north toward the southern boundary of the property at 3211 – 84th Avenue SE. Upon inspection I was unable to find any watercourse within this area, particularly no watercourse consistent with the definition found in MIMC §19.06.010.

I did find the inlet of a drainage pipe below the base of the tree in the lower left corner of Photo 1. The drainage pipe appeared to be located under the driveway leading to 3211 – 84th Avenue SE (*see Photo 2 above*) and may have been installed as part of the subdivision located immediately south of the Coval property. It also appeared the pipe was installed to convey any surface water runoff from the headwater area, through the residential development, under SE 32nd Street, and onto the Coval property (*see Photo 4 below*).

I found a catch basin in the driveway leading from aforementioned residence north to SE 32nd Street (*see Photo 3 above*) as well as a catch basin in SE 32nd Street. Each of these catch basins was connected to the drainage pipe located between the headwater area and the vegetated swale located in the western portion of the Coval property.

After reviewing the headwater and developed areas south of the subject property, I initiated my review of the swale located within the subject property. As part of my review, I walked the entire property looking for evidence of any critical habitat. Although I found no “critical” areas, I did find a topographic low area or swale located in the western part of the site. The fall line of this swale was oriented south to north (higher elevation to the south).

Approximately 30 feet to 35 feet north of the Coval south property boundary I observed the outlet end of 12-inch diameter ADS drainage pipe. This pipe appeared to be the outlet end of a drainage device conveying stormwater runoff from developed properties to the south.

From the outlet of the drainage pipe I walked approximately 75 feet to 100 feet northward to a small concrete bridge (landscape feature). This bridge appeared to have been constructed across the swale primarily to flatten the vertical curve of the pathway from the east side to the west side of the site. The structure would also function to convey surface flow from the south side to the north side of the path, should the need arise.



PHOTO 4: View looking upstream from bottom of swale at south end of property. SE 32nd Street is on the south side of the split-rail fence and laurel hedge visible in the upper portion of the photograph.

There was no evidence of a “natural channel” nor was there any evidence of surface water flow between the pipe outlet and the small bridge (*see Photo 4 above and Photo 5 below*). Conditions downstream of the small bridge were essentially the same as those observed upstream of the bridge (*see Photo 6 below*).



PHOTO 5: View looking at swale down slope (north) of the outlet end of drainage pipe.



PHOTO 6: View looking down slope (north) from concrete bridge at swale.



PHOTO 7: View looking at inlet end of drainage pipe from north side of Coval property to the north side of the SE 30th Place road fill.

At the northern boundary of the subject property, I observed the inlet end of a 12-inch diameter ADS pipe that appeared to have been installed to convey surface water runoff from the north property boundary (*see Photo 7 above*) through a residential development immediately north of the subject property. From the inlet of the drainage pipe I was able to look northward across the property located immediately north of the Coval property. There was no evidence of any surface flow or conveyance channel on the property to the north.

After photographing the pipe inlet, I walked off the subject property onto 84th Avenue SE, turned north and continued to SE 30th Place, and then west to 8253 SE 30th Place (*see Photo 8 below*). I estimated the drainage pipe coming from the subject property would outlet along the east side of this property and south of SE 30th Place. There was a catch basin in the driveway (*see Photo 9 below*) on the south side of the street, but the pipe outlet was actually located at the toe of the road fill on the north side of SE 30th Place (*see Photo 10 below*).

Any surface water conveyed through the drainage pipe would flow into another grass-lined swale that continued in a northerly direction from SE 30th Place toward SE 30th Street (*see Photo 10 below*). I observed the swale that started on the north side of SE 30th Place terminated in a small depression on the south side of SE 30th Street (*see Photo 11 below*). I did not observe any “natural” channel or watercourse between SE 30th Place and SE 30th Street (*see Photo 10 and Photo 11 below*). I did, however, observe an open-grated catch-basin lid in the small depression immediately south of SE 30th Street, indicating any surface drainage that would occasionally occur was being captured at that point and was being conveyed further down slope in a closed drainage pipe.

Based on the location of the catch basins on the south side of SE 30th Street I continued my investigation on the north side of the street in an attempt at finding a drainage pipe outlet, conveyance channel, or some evidence of a grass-lined swale. I was not able to find any conveyance structures other than catch basin grates in the area south of 8236 SE 30th Street (*see Photo 12 below*). The drainage pipe is located under the street and goes between the two residences shown in Photo 12.



PHOTO 8: View looking south along the east side of 8253 SE 30th Place (property immediately north of the Coval property). Photo 9 below shows the catch basin in this driveway that is connected to the drain pipe that inlets on the subject property (*see Photo 7 above*).



PHOTO 9: Catch basin, in driveway at 8253 SE 30th Place, that is connected to drainage pipe.



PHOTO 10: View of swale on north side of SE 30th Place. Red line shows slope direction (north).



PHOTO 11: View of catch basins east of 8241 SE 30th Street on south side of the street.



PHOTO 12: Driveway leading north from SE 30th Street to 8234 (to left) and 8236 (to right) SE 30th Street. Approximate drainage pipe shown with red dashed line.

I continued my preliminary review by investigating the area on SE 29th Street and SE 28th Street where I estimated the drainage course should be located. I did not find any open watercourse between the south of SE 30th Street and the north side of SE 29th Street. There was an open channel with the watercourse characteristics defined for an Intermittent Watercourse in MIMC §19.06.010 (*see Photo 13 below*). This was the only section of stream channel (watercourse) that had a channel bottom of mineral soil and gravel as well as channel banks. The channel appeared to only have flow in response to storm events and continuing for a short period of time following the cessation of precipitation. As such, it more closely met the definition of a Type 3 Watercourse as defined in MIMC §19.06.010.



PHOTO 13: View looking south at section of watercourse between SE 29th Street and SE 28th Street.

In addition, I reviewed aerial photography available on Google Maps and the King County GIS Center (KCGIS) Imap® database. I discovered the presence of a “lid” over I-90, which was located in the general vicinity of the “Type 2 Watercourse” shown on the City’s watercourse map. The map indicates surface flow in a channel located between the north side of SE 29th Street the south side of I-90. That same channel is shown to cross I-90 on the east side of Island Crest Way before continuing in a north easterly direction to Lake Washington.



PHOTO 14: Aerial view of watercourse between SE 29th Street and SE 28th Street. Beyond the north end (outlet) of the pipe under SE 28th Street/84th Avenue SE the condition of the watercourse was unclear. I was unable to find any open channel between SE 28th Street and the retaining walls adjacent to the south side of I-90.

I was unable to identify any of the open channels shown on the City's map between SE 28th Street and I-90 (see *Photo 14 above*). It is possible, based on the steep terrain and the retaining walls adjacent to I-90, that any stormwater runoff collected on the south side of I-90 is conveyed in a closed-drainage system under I-90 and may outlet into an open channel on the north side of north Mercer Way.

CONCLUSIONS

- (1) Based on my field review, reading of the pertinent MIMC sections, and evaluating available aerial photography (circa 2009), I have concluded there is not a Type 2 or Type 3 Watercourse located within or immediately adjacent to either the south side or the north side of the Coval property.
- (2) Within the entire length of the drainage from SE 33rd Street to Se 28th Street ~45% of the length is in drainage pipes, ~37% is open drainage that does not meet the MIMC definition of a watercourse, and the northern 18% is consistent with the MIMC definition of a Type 3 Watercourse.

RECOMMENDATION

Please note that my conclusion must be reviewed and accepted by the City of Mercer Island before being considered final. I recommend delaying any significant land use planning activities until after the City's staff has reviewed and approved this report.

STATEMENT OF QUALIFICATIONS: Larry D. Burnstad, Senior Environmental Scientist

I received a BS in Biological Sciences with an emphasis Fisheries Management from California State University at Sacramento in June 1974. That same month I began my professional environmental career as a GS-4 Hydrologic Technician working for the U.S. Forest Service (USFS) first on the Sandpoint Ranger District in Sandpoint, Idaho (1974) and then as a GS-5/7 Hydrologic Technician on the Banners Ferry Ranger District in Bonners Ferry, Idaho (1975 – 1976). In 1977 I transferred to the San Juan National Forest Supervisor's Office in Durango, Colorado, where I worked as the Forest Hydrologist (GS-9). In 1978 I was assigned as Forest Hydrologist (GS-11) on the Malheur National Forest Supervisor's Office in John Day, Oregon. In 1980, I transferred to the Mt. Baker-Snoqualmie National Forest as Hydrologist (GS-11) in the South Zone Engineering Center in Enumclaw, Washington. In 1982, the Engineering Zone was eliminated and I was assigned to the White River Ranger District as the Other Resources Assistance (GS-11) with a staff of 4 permanent and 6 seasonal professionals involved in fish and wildlife habitat, watershed, mineral/geothermal resources, and recreation management programs.

During my 10 years with the USFS my responsibilities included being directly involved in and/or managing staff personnel to accomplish the following:

1. Stream channel habitat and stability assessments to: (a) establish baseline watershed conditions and (b) evaluate habitat conditions within active land use projects. Typical land use projects included timber harvest, road construction, mining, and livestock grazing (within allotments). Assessment activities involved:
 - a. Physically walking stream channels on both national forest and private land in watersheds within the District or National Forest boundary. Tasks included observing and documenting (in writing and with photographs) the stream channel and riparian area or designated buffer characteristics.
 - b. Identification of active and potential erosion hazard areas and/or landslides within the stream corridor.
 - c. Identification of human-caused impacts to fish and wildlife habitat including the type and location of human-made fish migration barriers.
 - d. Establishing and maintaining a data base to store the stream channel/corridor information collected. This data base was used to provide input to Environmental Assessments, Environmental Impact Statements, and other land use planning documents.
2. Fish and wildlife habitat identification and delineation. This activity included:
 - a. Conducting fish population and aquatic organism assessments to determine existing conditions and establish a baseline inventory.
 - b. Identification and delineation of wetland habitat as well as documentation of wildlife use within wetland habitats.
 - c. Establishing and maintaining a data base to store the habitat information collected. This data base was used to provide input to Environmental Assessments, Environmental Impact Statements, and other land use planning documents.
3. Water quality and quantity monitoring to: (a) establish baseline information and (b) assess ongoing land use activities. This program involved:
 - a. Locating and establishing permanent monitoring stations, collecting water samples, and measuring stream flows. Data collected was used to establish background water quality conditions and hydrologic regimes within watersheds managed primarily by the USFS.
 - b. Locating and establishing temporary monitoring stations to collect water quality and quantity information upstream and downstream of active land use projects. The data collected was used to monitor for project related water quality degradation as it occurred and implement immediate impact prevention measures.
 - c. Maintaining and using a variety of field instruments for collecting various water quality parameters.
 - d. Constructing and maintaining water quantity gauging stations as well as measuring water flow.
 - e. Setting up, maintaining, and collecting data from precipitation gauges.
 - f. Establishing and maintaining a water quality lab as well as using laboratory equipment to analyze samples collected at the monitoring stations.
 - g. Maintaining a water quality and quantity data base to store information collected as part of baseline inventory projects and as part of ongoing efforts to eliminate or minimize land use activity impacts.

4. Watershed analysis reports including assessment of flood damage and proposals for flood damage restoration.
 - a. This activity also included runoff modeling to assess the impact of proposed land use activities on stream channel habitat, stream hydrology, and human-made structures such as culverts and bridges.
 - b. Modeling results were also provided to engineering staff to assist with road drainage and channel crossing design.
5. Field evaluation of proposed road alignments, including identification and delineation of wetland habitat, stream crossing, and potentially unstable slopes. Making recommendations for alternative routes to avoid or minimize environmental impacts associated with proposed road construction projects.
6. Providing technical input related to stream crossing, road drainage, and erosion control design elements for road construction projects;
7. Preparation and submittal of written reports related to existing conditions within and downstream of proposed land use activities with specific emphasis on recommended “best management practices” intended to avoid or minimize adverse environmental impacts that could potentially, or were likely to, result from project implementation;
8. Preparation and submittal of habitat impact mitigation and/or restoration plans.
9. Preparation and submittal of portions of Environmental Assessments, Environmental Impact Statements, and Long Range Land Use Planning documents.

Following my resignation from the USFS in 1994 I started Watershed Dynamics, using my previous 10 years experience to provide environmental consulting services to both public and private sector clients. For the past 28 years the primary focus of my consulting has been assessment, management, and restoration of stream channel and wetland habitat as well as providing technical expertise to interdisciplinary project design teams. I have provided, and continue to provide, consulting services including:

- Onsite and near-site evaluation to identify, delineate, and classify stream and/or wetland habitats/habitat types within and/or immediately adjacent to proposed land use projects.
- Preparation and submittal of written reports used by clients in project planning and design as well as agency permit application submittals.
- Preparation of project design alternatives focused on stream and/or wetland habitat and buffer impact avoidance or minimization.
- Attendance at client meetings with Federal, state, and local regulatory staff. This has included preparation and presentation/submittal of pertinent environmental information used in agency evaluation of proposed land use projects and, once permitted, specific agency permit conditions and/or requirements.
- Stream/wetland habitat and buffer impact mitigation/restoration design and permit acquisition. This has included Federal, state, and local agency stream and wetland habitat/buffer restoration projects.
- Mitigation/restoration project construction management, including environmental monitoring required by agency permits (i.e. NPDES/SWPPP).
- Post-construction performance monitoring, with report preparation for periodic submittal to permitting agencies.

My 38-year environmental “consulting” career has afforded me the opportunity to work on projects in Washington, Oregon, Idaho, Colorado, and California including the evaluation of over 300 miles of stream channels. I have had the opportunity to work on a variety of projects involving forest land management activities, commercial and residential developments, highway/road projects, electrical transmission lines, fiber optic cable installations, hydroelectric project relicensing, dredge mining sites, and numerous stream and wetland habitat restoration projects.

I have also functioned as the contracted “environmental” staff person for several small municipalities in King and Pierce counties. The majority of my assignments involved review of proposed private development projects, SEPA Checklists and other environmental documents, and mitigation plans to assure compliance with local agency development regulations. I have also provided code enforcement assistance specifically related to the wetland and aquatic habitat portions of local critical areas regulations. Further, in 2004 through 2005 I worked with Matt Mathis on the development and passage of the revised Critical Areas Ordinance for the City of Enumclaw, a Washington Department of Ecology requirement.

ENCLOSURE 3

April 17, 2013

Shana Crick
City of Mercer Island
Development Services Group
9611 SE 36th Street
Mercer Island, WA 98040

Re: Coval Property – Peer Review of Critical Areas Study

Dear Shana:

This letter presents the findings of an environmental review of a critical area study, which was conducted on the Coval Property, located at 3051 84th Avenue SE in the City of Mercer Island. The following report documents were reviewed for this study:

Critical Areas Review: Coval Property, prepared by Watershed Dynamics, dated March 30, 2013.

Methods

The provided critical areas study was reviewed. Additionally, public-domain information on the subject property was also reviewed for this study. These sources include USDA Natural Resources Conservation Service Soil maps, U.S. Fish and Wildlife Service National Wetland Inventory (NWI) maps, City of Mercer Island GIS maps, and King County's GIS mapping website (iMAP).

I visited the site on April 15, 2013 to review site conditions reported by Watershed Dynamics.

Findings

The subject property is 5-acres; it contains a single-family residence and accessory buildings. The critical areas study provided by Watershed Dynamics (the report) for this property, does not address all onsite and adjacent critical areas. Only one of two mapped watercourses in the immediate vicinity is discussed. As shown on the enclosed GIS map, two watercourses are mapped in the project vicinity, one (Type 2) onsite and one (Type 3) east of the right of way for 84th Avenue SE. Additionally, although wetland conditions were observed onsite, wetlands are not mentioned in the report.

Onsite Watercourse

A Type 2 watercourse is mapped by the City within a natural ravine in the central portion of the subject property. Flows through the ravine enter the property via a

culvert near the south property boundary/SE 32nd Street. There is a box culvert under the interior dirt road and a culvert at the north property boundary. The ravine from upslope (south) to down-slope (north) is shown in the photos below.



Mapped Type 2 Watercourse: onsite segment from top to bottom (clockwise). 1) inlet culvert at the south end, 2) alluvial sediment deposition, 3) box culvert under interior road, 4) looking south at yard waste on north end of box culvert, 5) flow path, 6) sediment deposition and outfall culvert at the north end.

Water was not flowing through the ravine on the day of my site visit. Periodic flow is evidenced by sediment deposition and limited scour, which was seen in patches along the length of the ravine. However, the channel is ill defined and lacks distinct banks. Fallen leaves and yard clippings obscured much of the flow path. No open channels were observed immediately above or below the subject property. An open channel was noted a few blocks downslope of the subject property, approaching SE 28th Street; this feature appears to be accurately mapped as a Type 3 seasonal watercourse.

Some onsite areas within the ravine were inundated or saturated at or near the surface. These areas are described in the wetland section below.

Offsite Watercourse

The Type 3 watercourse mapped east of 84th Avenue SE was not documented or discussed in the report. The buffer of this watercourse may encumber the subject property. This mapped feature needs to be addressed in the report.

Wetlands

A pond north of the residence is mapped by NWI as an impounded wetland, L1UBHh (Lacustrine Limnetic Unconsolidated Bottom Permanently Flooded Diked/Impounded). This feature appears to be constructed; the pond edges are lined with rock. Water flows from the upper to the lower pond via a watercourse-like channel. Observed conditions indicate that water is likely pumped and re-circulated within the pond. The source of hydrology is not evident. No natural wetlands were observed in the immediate vicinity of the pond.



Pond: (left) looking NE from the west edge; (right) looking SE from the west edge.

In addition to the pond, wetland conditions were observed in association with the mapped onsite watercourse. Standing water, saturated soils and a high ground water table was observed both above and below the interior dirt road (See photo documentation below). Vegetation in wet areas is characterized by osoberry, English holly, iris, lady fern, creeping buttercup, and at least one skunk cabbage.



Wetland Conditions: (left) standing south of the dirt road, looking downslope; (right) standing north of the dirt road, looking NE [Note: yellow skunk cabbage (OBL) near the center of this photo.]. Dark patches in each photograph are standing water/saturated soils.

Conclusions

The onsite watercourse is clearly not perennial as mapped. The natural ravine does form a course or route along which surface waters flow. As evidenced by poor channel definition, it flows intermittently, presumably in low volume. Per the city's definition (MIMC 19.16.010) watercourses are (**bold emphasis added**):

*"A course or route, formed by nature and **generally consisting of a channel with a bed, banks, or sides through substantially all its length**, along which surface waters, with some regularity (annually in the rainy season), naturally and normally flow in draining from higher to lower lands. The definition does not include irrigation and drainage ditches, grass-lined swales, canals, storm water runoff devices, or other courses unless they are used by fish or to convey waters that were naturally occurring prior to construction."*

Although surface water is evidently conveyed through the ravine, flows are not substantial enough to produce a distinct bed and banks *through substantially all its length*. Based on my interpretation of the definition above, this feature is not a regulatory watercourse.

The offsite watercourse needs to be evaluated to determine if buffer encumbrances are applicable under the city code.

Although the pond appears to be a constructed feature built out of non-wetland area, it does appear on NWI maps and should therefore, be addressed in the critical areas report.

The observed wetland conditions within the ravine, including springtime hydrology, above and below the interior dirt road should be investigated and documented in a revised report.

Recommendations

The following report edits and additions are recommended:

1. Evaluate, document and classify onsite wetland areas in the ravine to inform the applicant of jurisdictional wetland status, regulatory wetland boundaries, and associated buffer widths.
2. Evaluate the pond to determine its jurisdictional status and acknowledge the NWI notation. If non-jurisdictional, provide reasoning for this conclusion.
3. Evaluate and document the offsite watercourse, east of 84th Ave SE to determine any onsite buffer encumbrances.

Please call if you have any questions or if I can provide you with any additional information.

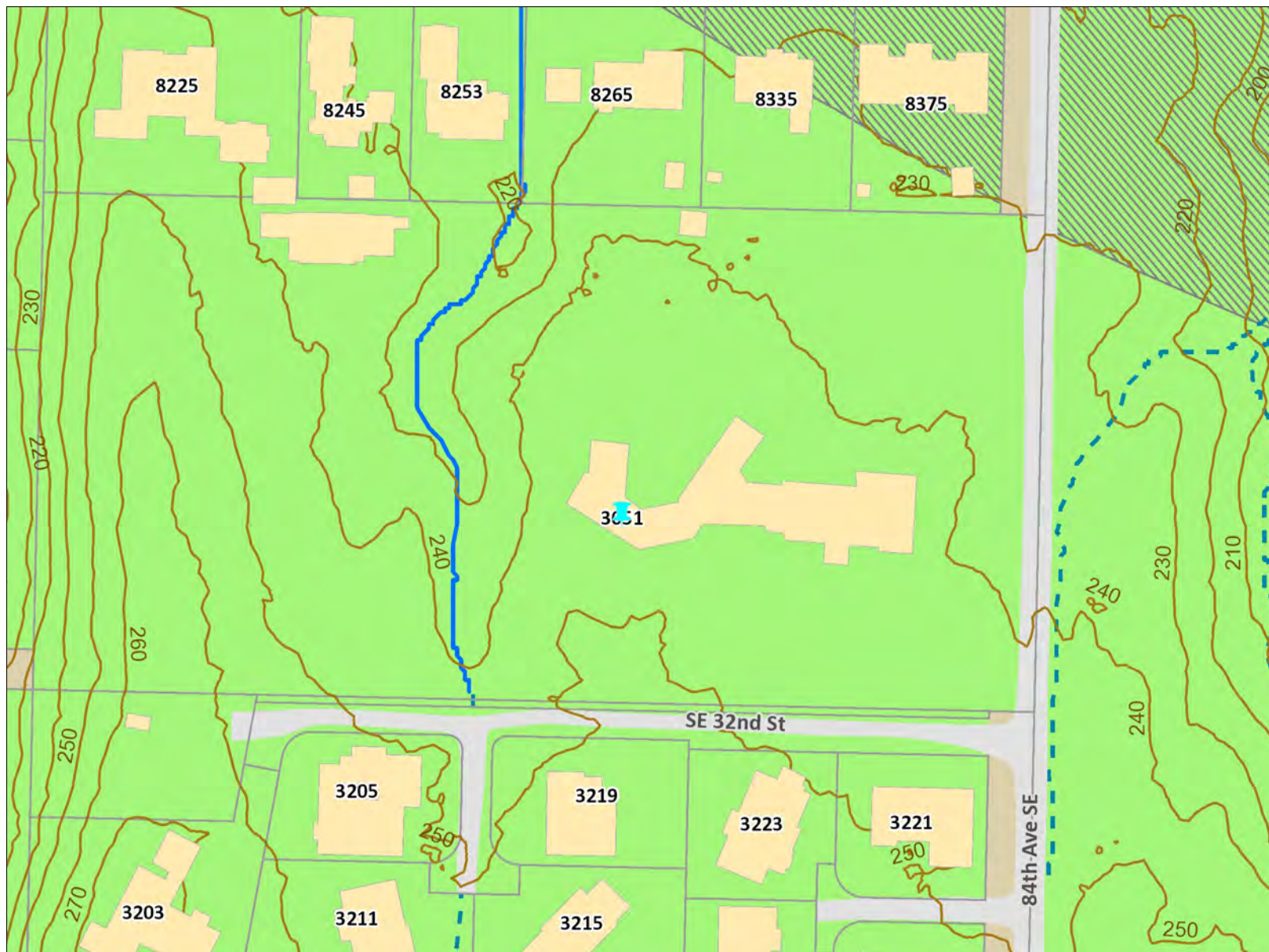
Sincerely,


























Nell Lund, PWS

Ecologist

Enclosures



Legend

- Address
-  Docks (2007)
-  Building
-  10ft Contours (2000)
-  Ownership Parcels
-  Major Roads
-  Bridge
-  Paved Road
-  Streets
- Watercourse
-  1-Potential Fish Use
-  2-Perennial
-  3-Seasonal
-  Right of Way
-  Wind Exposure
- Wind Speed-Up
-  1.0
-  1.3
-  1.6
-  1.9
-  Potential Slide
-  Steep Slope
-  Seismic
-  Erosion
-  Exploration Point
-  GeoTech Document

1: 1,216



202.7 0 101.37 202.7 Feet

Disclaimer: These maps were developed by the City of Mercer Island and are intended to be a general purpose digital reference tool. These maps are not an accepted legal instrument for describing, establishing, recording or maintaining descriptions for property concerns or boundaries. The City makes no representation or warranty with respect to the accuracy or currency of these data sets, especially in regard to labeling of surveyed dimensions, or agreement with official sources such as records of survey, or mapped locations of features.

Notes

Coval Property



U.S. Fish and Wildlife Service

National Wetlands Inventory

Apr 15, 2013



Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

User Remarks:

WATERSHED DYNAMICS

Post Office Box 215, Enumclaw, Washington TEL 360.825.9253 FAX 360.825.9248

DATE:	May 2, 2013	HARD COPY SENT:		YES	X	NO
E-MAIL:	atlin@qwestoffice.net	E-MAIL COPY SENT:	X	YES		NO
TRANSMITTAL	PAGES SENT INCLUDING COVER PAGE:		6			
SUBJECT:	Wetland Review at the Coval Property					
TO:	Mr. Wes Giesbrecht, President Atlin Investments, Inc.					
FROM:	Larry D. Burnstad, Senior Environmental Consultant					
PROJECT NAME:	Critical Areas Review: Coval Property					
PROJECT NUMBER:	Watershed Dynamics Project No. 2013001					

On March 28, 2013 I conducted a field review of the Coval property located at 3051 – 84th Avenue SE, Mercer Island, Washington. The purpose of that review was to determine if there were critical areas located within the property, specifically the presence of a Type 2 Watercourse shown on the City of Mercer Island (City) Watercourse Type Map.

As a result of my field investigation, which included a review of properties south and north of the subject property, I presented my findings in a March 30, 2013 Critical Areas Report. Based on my investigation I determined there was not a Type 2 Watercourse within the Coval property.

I did not report any findings related to other regulated critical areas such as wetlands, fish and wildlife habitat conservation areas, flood hazard areas, or geologic hazard areas. I did not find any evidence of wetlands or fish and wildlife habitat conservation areas within, or in close proximity to, the Coval property. My professional training and expertise qualifies me to evaluate and report on watercourses, wetlands, and fish and wildlife habitat conservation areas.

My March 30, 2013 report was reviewed for the City by the Watershed Company. In their April 17, 2013 memo the Watershed Company indicated concurrence with my findings related to the Type 2 Watercourse. In addition, the memo discussed the presence of a Type 3 Watercourse located east of the subject property in a City park (*see Page 3*) and potential wetlands within the subject property (*see Page 3 and Page 4*).

On Page 5 of their memo, the Watershed Company recommended evaluation of:

1. The “onsite wetland areas in the ravine” originally mapped by the City as a Type 2 Watercourse,
2. A “pond” that is shown in the U.S. Fish and Wildlife Service National Wetland Inventory (NWI) data base as a L1UBHh (Lacustrine, Limnetic, Unconsolidated Bottom, Permanently Flooded Diked/Impounded) wetland, and
3. A Type 3 Watercourse located in the City park east of 84th Avenue SE.

The following is provided in response to those recommendations, starting with the last item first.

ITEM 3: There is a Type 3 Watercourse located on the east side of 84th Avenue SE, but it is actually located further east of the road than shown on the City Watercourse Type Map. The channel is also more than 35 feet east of the east edge of the pavement (84th Avenue SE) and more than 60 feet east of

the east property line of the subject property. Therefore, the presence of the Type 3 Watercourse will not be an issue with respect to any future development of the subject property.

ITEM 2: According to an article copyrighted by David Paul Eck in 2012, the “pond” that appears on the NWI map is a human-made feature. The pond is located at the original site of the 1913 Alexander house and was the wine cellar for that house. In 1948 the Alexander house was removed and the new house was constructed in its present location. The property owners (the Starrs) converted the wine cellar into a swimming pool.

In 1982 when the Coval’s purchased the property, the swimming pool remained until they remodeled the house and added an indoor pool at the west end. Rather than filling the wine cellar/swimming pool, the Coval’s elected to convert the pool into a koi pond.

Using a design created by John Fish (*their indoor pool designer*) the koi pond was constructed using of massive pieces of Hansen Creek Quarry granite, rebar, and gunite,. The water in the pond is circulated and filtered by a pumping system located in an underground vault near the pond.

During my site visit I inspected the outer edge of and looked at the visible pond bottom. I confirmed the structure was a combination of large rock and gunite. I observed several koi in the pond as well as a wide variety of plants within and along the edges of the pond.

CONCLUSION: Based on the article I reviewed and my field observations, I have concluded the “pond” does not meet the criteria required to be a regulated or jurisdictional wetland.

ITEM 1: With respect to the potential wetland noted by the Watershed Company on April 15, 2013 I offer the following:

There are three features (wetland indicators) that must be present for a wetland to be delineated. The indicators are the presence of:

- Hydrophytic (*wetland*) vegetation that is dominant in the vegetative community,
- Hydric soils (*soils that have evolved in the presence of wetland hydrology*), and
- Wetland hydrology (*inundation or saturation in the upper 12 inches of the soil column*), which is present for a minimum of 14 consecutive days during the growing season and under conditions of normal precipitation.

The Coval property is a managed landscape with a majority of the plant species being non-native. There have been gardeners/landscape management personnel present each of the four times I have visited the property. The lawn appeared to be mowed and the flower beds cultivated frequently.

The vegetation in the “ravine”, which is located in the western portion of the subject property, has been and continues to be managed as part of the landscaping within the subject property. Most of the plants in the ravine are non-native plants and not hydrophytic. Two large black cottonwood (*Populus trichocarpa*), some dandelion (*Taraxacum officinale*), and some buttercup (*Ranunculus repens*) were observed. Cottonwood and buttercup are hydrophytic (FACW) species, dandelion is not. None of these species were “dominant” in the ravine. The buttercup was sparse throughout the ravine and the two cottonwood were south of the interior pathway mentioned in the Watershed Company report.

As is the case over the entire property, the bottom of the ravine is weeded and cultivated regularly so there is very little groundcover except in those areas managed for non-native groundcover species. A majority of the bottom of the ravine is covered with leave litter (mulch) to reduce weed growth, although there were some areas of bare ground.

I spoke with one of the landscape maintenance personnel who had worked on the subject property for over 10 years. He indicated much of the soil in the ravine had been augmented with organic compost and sand to enhance plant growth. He also indicated there was an irrigation system along both sides of the ravine that is active throughout the late spring to late fall when there was insufficient precipitation to maintain healthy plants.

Based on my observations and the information regarding the extent of “manipulation” within the ravine any wetland evaluation would have to be conducted using the “Atypical Situations” protocol defined in the 1987 US Army Corps of Engineers Wetland Delineation Manual and the accompanying Supplement for Western Mountains, Valleys, and Coast Region. The protocol are also defined in the 1997 Washington Department of Ecology Wetland Identification and Delineation Manual.

When I visited the site on March 28, 2013 there were no wetland indicators present. I walked through the ravine on the Coval property and did not see what was noted by the Watershed Company south of the internal pathway. The following information is relevant:

- During the 14 days prior to my site visit the observed precipitation at the SeaTac weather station totaled 1.46”.
- Normal precipitation total for that time period is reported by the National Oceanographic and Atmospheric Agency (NOAA) to be 1.66”.
- The observed precipitation was 88% of normal. Precipitation amounts between 70% and 130% of normal are defined as “normal conditions”.

The Watershed Company conducted their site review on April 15, 2013 and reported standing water in the area upslope (south) of the interior pathway.

- During the 14 days prior to my site visit the observed precipitation at the SeaTac weather station totaled 4.54”.
- Normal precipitation total for that time period is reported by the National Oceanographic and Atmospheric Agency (NOAA) to be 1.41”.
- The observed precipitation was 322% of normal. Precipitation amounts less than 70% or greater than 130% of normal are not within the range defined as “normal conditions”.

I visited the site on April 22, 2013 to review the information provided by the Watershed Company. I reviewed the potential wetland area noted in their report and found saturated soil, but did not observed inundation. I excavated a soil pit in the bottom of the ravine approximately 50 feet south of the interior pathway. There was standing water in the pit even with the ground surface.

- During the 14 days prior to my site visit the observed precipitation at the SeaTac weather station totaled 2.60”.
- Normal precipitation total for that time period is reported by the National Oceanographic and Atmospheric Agency (NOAA) to be 1.29”.
- The observed precipitation was 201.5% of normal. Precipitation amounts less than 70% or greater than 130% of normal are not within the range defined as “normal conditions”.

I returned to the site on April 26, 2013 to continue my investigation of the potential wetland reported by the Watershed Company. I was looking for evidence of hydrophytic vegetation, hydric soils, and wetland hydrology. My findings are presented below:

HYDROPHYTIC VEGETATION: The limited vegetation in the bottom of the ravine as well as the lack of vegetation within sampled plot (*1 square meter centered on Soil Pit #5*) required the use of only two indicators, hydric soils and wetland hydrology, to identify and delineate a wetland.

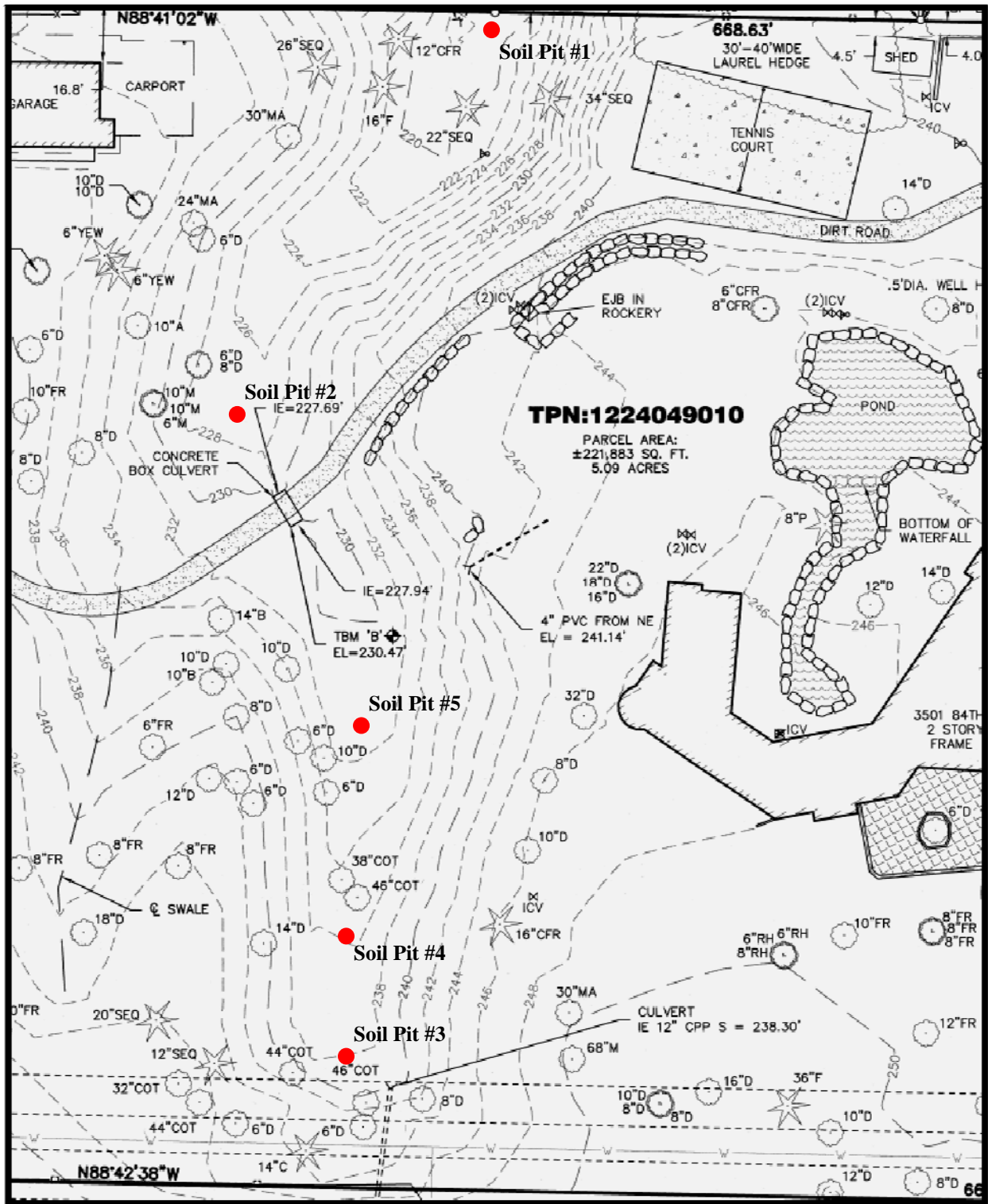


FIGURE 1: Portion of survey completed by Axis Surveying and Mapping 04/12/13

HYDRIC SOILS: I excavated 4 additional soil pits in the bottom of the ravine (*see Figure 1 above*). Two pits were located north of the interior pathway and two were located to the south.

- Soil Pit #1 was located approximately 15 feet south of the inlet to the drainage pipe under the property immediately north of the Coval property.
- Soil Pit #2 was located approximately 20 feet to 25 feet north of the interior pathway.
- Soil Pit #3 was located approximately 40 feet north of the south property line fence in an area where the Watershed Company reported the presence of sediment deposits.
- Soil Pit #4 was located approximately 85 feet north of the south property line fence. This pit was approximately 10 feet south of one of the two large cottonwood trees.
- Soil Pit #5 was located approximately 45 feet south of the interior pathway in the area noted by the Watershed Company as indicative of a potential wetland due to observed standing water.
- NOTE: The soil in Pit #5 was marginally hydric (10YR 3/1+ from 0" to -8" without mottles and 10YR 4/2 from -8" to -16" without mottles).

WETLAND HYDROLOGY: There was no evidence of wetland hydrology in any of the four pits. There was standing water 8 inches below the ground surface when I excavated Soil Pit #5 on April 26, 2013.

- During the 14 days prior to my site visit the observed precipitation at the SeaTac weather station totaled 2.14".
- Normal precipitation total for that time period is reported by the National Oceanographic and Atmospheric Agency (NOAA) to be 1.21".
- The observed precipitation was 177% of normal. Precipitation amounts less than 70% or greater than 130% of normal are not within the range defined as "normal conditions".
- Wetland hydrology was also problematic because there had been greater than normal precipitation during the 14 days preceding each of the April site visits. Precipitation records from October 1, 2012 (beginning of the Water Year) through April 28, 2013 reported total precipitation as 36.06 inches and normal total precipitation 30.76 inches. For the Water Year to date precipitation was 117% of normal, which is within the parameters for "normal conditions" while precipitation prior to the site visits was above normal precipitation.
- Based on the information I have presented above and the graph on the next page, it is my professional judgment that wetland hydrology is not present during "normal conditions" as required for there to be a wetland identified and delineated. As shown on the graph, the near-surface groundwater recedes as the recorded precipitation approaches normal conditions. The trend in the water level line indicates standing water would be below -12 inches when the precipitation reaches normal conditions.

INSERT GRAPH

CONCLUSION

1. Based on my review of the NOAA SeaTac precipitation records I have concluded the standing water observed by the Watershed Company and my observations of the near-surface groundwater in Soil Pit #5, the requirement for wetland hydrology would not be met during periods of “normal precipitation”.
2. Groundcover vegetation in the bottom of the ravine was limited (sparse) and the majority of the species present were non-native ornamental plants. There were scattered buttercup and dandelion in the ravine, but neither were the dominant species in any location. The dominant shrub species was Indian plum or Osoberry (*Oemleria cerasiformis*), which is not a hydrophytic species. As noted earlier there were two very large cottonwood south of Soil Pit #5, but their size strongly suggests a deep root system not dependent on near-surface hydrology.
3. The soil characteristics in Soil Pit #5 were marginally hydric, but there was no evidence of iron depletion or concentration typically associated with soils exposed to longer periods of inundation or saturation.
4. The area within the ravine is managed along with the rest of the property to maintain a high quality landscaped environment. This landscape management activity has been ongoing since the Coval's have owned the property.
5. The basin hydrology has been significantly altered by residential development south of the Coval property. There is a stormwater detention vault located immediately south of the Coval property that discharges onto the Coval property approximately 35 feet north of the south property line. The vault is designed to retain most precipitation events and discharges during high volume events.

As previously noted, the observed precipitation during the 14 days prior to the Watershed Company site visit was 322% of normal. It is highly probable the detention vault capacity was surpassed several times during that time period. The flow is concentrated by the 12-inch diameter outflow from the vault and the area surround Soil Pit #5 is the first low area where water could concentrate down slope from the outfall.

The lack of discharge from the vault in the days following the Watershed Company's observations, the water percolated into the soil to the level I observed 11 days later.

These factors appear to explain the presence of the “sediment deposits” and “standing water” observed by the Watershed Company.

In conclusion, based on my review of the available information (*published and personal communications*) and my field observations, I have determined there are no regulated wetlands in the ravine or in any other location on the Coval property.

WATERSHED DYNAMICS

Post Office Box 215, Enumclaw, Washington TEL 360.825.9253 FAX 360.825.9248

DATE:	June 11, 2013	HARD COPY SENT:		YES	X	NO
E-MAIL:	atlin@qwestoffice.net	E-MAIL COPY SENT:	X	YES		NO
TRANSMITTAL	PAGES SENT INCLUDING COVER PAGE:		6			
SUBJECT:	June 6, 2013 Site Review					
TO:	Mr. Wes Giesbrecht, President Atlin Investments, Inc.					
FROM:	Larry D. Burnstad, Senior Environmental Consultant					
PROJECT NAME:	Critical Areas Review: Coval Property					
PROJECT NUMBER:	Watershed Dynamics Project No. 2013001					

This memo has been prepared to provide information reaffirming the conclusions presented in my May 2, 2013 memo. That memo documented my responses to concerns raised by the Watershed Company in a April 17, 2013 memo to the City of Mercer Island (City). In my May 2nd memo I stated I did not believe there were any regulated or jurisdictional wetlands within or in close proximity to the Coval property because, under normal circumstances, none of the areas investigated would exhibit all three wetlands characteristics. The three characteristics are:

1. a dominance of hydrophytic plant species,
2. wetland hydrology, defined as inundation or saturation in the upper 12 inches of the soil column for 14 consecutive days during the growing season, and
3. the presence of hydric soils.

The following is offered as in support of and as clarification for the conclusions I presented on May 2, 2013.

1. March 28, 2013: Watershed Dynamics completed an investigation of the potential "watercourse" upstream of, within, and downstream of the Coval property. Included walking through the entire ravine located in the western portion of the subject property. No areas of standing water or saturated soil were observed in the ravine.
2. March 30, 2013: Submitted memo documenting watercourse study methods and findings to Atlin Investment. That memo was submitted to the City of Mercer Island (City) and reviewed by the Watershed Company.
3. April 15, 2013: Watershed Company conducted site review.
4. April 17, 2013: Watershed Company submitted memo to City of Mercer Island (City) that included a request for additional information regarding a potential wetland located in the ravine south of the equipment path.
5. April 22, 2013: Watershed Dynamics walked the entire ravine from south to north looking for evidence of wetland plants and/or saturated/inundated soils. The following items were observed:
 - a. The area in the bottom of the ravine, approximately 2,500 square feet to 2,800 square feet appeared to be regularly maintained.

- b. Maintenance appeared to include soil tilling and “weed” removal. This observation was confirmed during conversations with the lead landscape maintenance person. He also indicated the soil had been amended with compost, sand, and organic soil to improve plant productivity.
- c. The plant community in the section of the ravine south of the pathway was dominated by non-hydrophytic shrub species, mainly Indian plum (*Oemleria cerasiformis*). There were two large black cottonwood (*Populus balsamifera*) located approximately 60 feet south of the path. Black cottonwood can be indicative of wetland habitat, but can also grow in areas with deeper water tables.
- d. The few emergent species observed in this area were dandelion (*Taraxacum officinale*) and buttercup (*Ranunculus* sp.). The former is an indicator of upland habitat and the latter is listed by the U.S. Army Corps of Engineers as a wetland habitat indicator.

NOTE: *Based on my observations over the past 30 years, I consider buttercup a poor wetland indicator because it requires minimal soil moisture, grows in shaded areas that are not wetland habitat, and has been observed growing in the cracks and joints of concrete sidewalks/driveways. When buttercup is the only “wetland” indicator species present, I typically want to see strong indications of hydric soil and wetland hydrology before I define an area as wetland.*

In all but one area of the ravine where I observed buttercup, I did not find wetland hydrology or hydric soils.

- e. I walked the entire ravine and found evidence of wetland hydrology only in the area noted in the Watershed Company memo. I observe standing water and saturated soils in an area approximately 8 to 12 feet wide that extended 40 to 50 feet south of the equipment path.
- f. I excavated a soil pit approximately 40 feet south of the path and observed standing water within 0.5-inches of the ground surface. Under normal circumstances this would have been indicative of wetland hydrology.

NOTE: *Rainfall amounts ranging from 70% to 130% of normal (average) precipitation are considered “normal circumstances” by the U.S. Army Corps of Engineers.*

- g. In addition, the dominant plant observed was Indian plum (*Oemleria cerasiformis*). There were one or two buttercup growing in this area along with a small patch of yellow flag iris (*Iris pseudoacorus*) along the east side of the area. The U.S. Army Corps of Engineers designates:
 - i. Indian plum as an upland habitat indicator.
 - ii. Buttercup as a wetland habitat indicator (*see note above*).
 - iii. Yellow-flag iris as a wetland indicator
 - h. The soil was too wet to conclusively determine if the soil in the sample pit was hydric.
6. April 24, 2013: Watershed Dynamics visited the NOAA internet site to collect SeaTac weather station precipitation data for the 14 day periods prior to March 28th, April 15th, and April 22nd. The following information was collected:
- a. During the 14-day period prior March 28th a total of 1.46” of precipitation (~88% of normal) was measured at the NOAA Weather Station at SeaTac Airport.
 - b. During the 14-day period prior to April 15th a total of 4.54” of precipitation (322% of normal) was recorded.
 - c. During the 14 day period prior to April 22nd a total of 2.60” of precipitation (201.5% of normal) was recorded.
7. April 26, 2013: Watershed Dynamics returned to the site to evaluate near-surface hydrology and the soil characteristics in the previously excavated soil pit.

- a. During the 14 day period prior to April 26th a total of 2.14" of precipitation (177% of normal) was recorded.
8. May 2, 2013: Watershed Dynamics submitted a memo to Atlin Investments, Inc. This report documented the results of the April 22, 2013 and my conclusions with respect to the potential wetland:
 - a. Wetland Hydrology
 - i. The water level in the soil pit had dropped approximately 8 inches during the 4 days between site visits.
 - ii. Precipitation during the 14 days prior to April 26th the precipitation recorded at SeaTac was approaching the "normal range" although still above normal.
 - iii. Based on this information I concluded the requirement for 14 consecutive days of inundation or soil saturation in the upper 12 inches of the soil column under normal circumstances probably would not be met.
 - b. Hydric Soils
 - i. Hydric soil indicators were marginal.
 - ii. Soils in the upper 8 inches were mixed with no distinct horizons.
 - iii. Soil color was 10YR 3/1 to 3.2 with no mottles.
 - iv. Soil texture was sandy loam with evidence of prior soil amendment.
 - c. Hydrophytic Plants
 - i. There were two buttercup within the 450 square foot to 500 square foot area. Buttercup is a poor wetland indicator and, in this case, was not the dominant species.
 - ii. There was a patch of yellow-flag iris on the eastside of the ravine, but it was also not the dominant species. Additionally, yellow-flag iris is a commonly used landscape plant in areas that are shaded and stay moist during most of the growing season.
 - iii. The dominant species was Indian plum, an upland habitat indicator.
 - d. Based on the observations of the three parameters I concluded the area suspected of being a wetland was, in fact, not a wetland because the three parameters were not conclusive indicators of wetland habitat. Although the site has been significantly manipulated, requiring the use of "Atypical Situations" protocol, no single parameter was conclusive enough to warrant delineation of the area as wetland.
 - e. Despite my reservations, I did delineate the area in question so it could be surveyed. The survey determined the potential wetland was 447 square feet in size, which is less than the size of Category IV Wetlands regulated by the City.
9. June 6, 2013: Watershed Dynamics revisited the Coval property specifically to evaluate wetland hydrology in the "potential" wetland.
 - a. During the 14 day period prior to June 6th a total of 0.73 inches of precipitation (91.25% of normal) was recorded. This amount of precipitation would be considered "normal".
 - b. I excavated two soil pits within the area and found no standing water on the ground surface or in the soil pit to a depth of 14" to 16". There was no evidence of seeps and the soil in the pit was not saturated.

In conclusion, I believe my June 6th findings reaffirm the conclusion presented in my May 2, 2013 memo stating there is not a regulated wetland in the area noted in the April 17, 2013 memo from the Watershed Company to the City of Mercer Island. Further, I have concluded there are no regulated or jurisdictional wetlands within or in close proximity to the Coval property.

ENCLOSURE 6

June 17, 2013

Shana Crick
City of Mercer Island
Development Services Group
9611 SE 36th Street
Mercer Island, WA 98040

Re: Coval Property – Follow up to Peer Review of Critical Areas Study

Dear Shana:

This letter presents the findings of a follow up environmental review of a critical area study and new documentation, which was provided in response to my initial review letter, dated April 17, 2013. The following report documents were provided and reviewed for this study of the Coval Property, located at 3051 84th Avenue SE in the City of Mercer Island:

- *Critical Areas Review: Coval Property*, prepared by Watershed Dynamics, dated May 2, 2013.
- *Critical Areas Review: Coval Property*, prepared by Watershed Dynamics, dated June 11, 2013.

Methods

The provided critical areas study addendums were reviewed. Additionally, public-domain information on the subject property was also reviewed for this study. These sources include USDA Natural Resources Conservation Service Soil maps, U.S. Fish and Wildlife Service National Wetland Inventory (NWI) maps, City of Mercer Island GIS maps, and King County's GIS mapping website (iMAP).

I visited the site on June 14, 2013 to review site conditions reported by Watershed Dynamics. On that day I met with you, Larry Burnstad of Watershed Dynamics, Wes Giesbrecht of Atlin Investments, and the project architect, Fred Glick.

Findings

The submitted reports satisfactorily address all remaining critical area issues identified in my April 17, 2013 letter. The three items addressed in this follow up review are as follows:

1. Suspected wetland areas with the ravine were thoroughly evaluated and found to be non-wetland. Additional hydrology data was provided by Watershed

Dynamics, in addition to landscaping and irrigation details. Finally the June 14 site visit revealed a lack of wetland hydrology indicators within sampled soil pits.

2. The on-site pond, which appears on the National Wetland Inventory, was created by the current property owner and is supported by a water pump system. It is lined with rock and not supported by ground water. It is not a jurisdictional wetland. Per MICC 19.16.010, wetlands do not include artificial wetlands, such as landscape amenities.
3. City maps show an off-site Type 3 stream east of the subject property. As mapped, this stream would have a 35-foot buffer that would encumber the subject property. However, I completed a field investigation of the adjacent park property and did not find any jurisdictional streams within 50-feet of the Coval property.

Conclusions

Documentation provided to date is thorough and complete. No critical areas were found on or in the immediate vicinity of the Coval property; therefore, there are no critical areas or encumbering critical area buffers on the subject property.

Please call if you have any questions or if I can provide you with any additional information.

Sincerely,

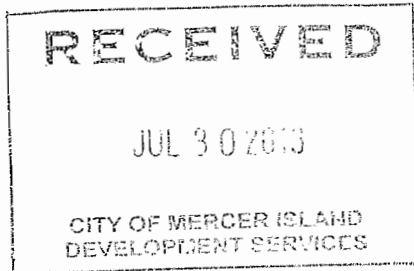
A handwritten signature in blue ink, appearing to read "Nell Lund".

Nell Lund, PWS
Ecologist

Enclosures

Soils/Geotechnical

EXHIBIT 16



GEOTECHNICAL REPORT

**Coval Property
3051 – 84th Avenue SE
Mercer Island, Washington**

Project No. T-6915

Terra Associates, Inc.

Prepared for:

**MI 84th Limited Partnership
Mercer Island, Washington**

July 29, 2013

EXHIBIT 16

Project Nos.: SUB13-009/SEP13-031

Project Name: Coval Preliminary Long Plat

Project Address: 3051 84th Avenue SE

TERRA ASSOCIATES, Inc.

Consultants in Geotechnical Engineering, Geology
and
Environmental Earth Sciences

July 29, 2013
Project No. T-6915

Mr. Wes Giesbrecht
MI 84th Limited Partnership
7900 SE 28th Street
Mercer Island, Washington 98040

Subject: Geotechnical Report
Coval Property
3051 - 84th Avenue SE
Mercer Island, Washington

Dear Mr. Giesbrecht:

As requested, we have conducted a geotechnical engineering study for the subject site. The attached report presents our findings and recommendations for the geotechnical aspects of project design and construction.

Our field exploration indicates the site soils generally consist of native, medium dense to very dense, fine- to medium-grained sand with varying amounts of silt and gravel that we have interpreted to be glacial advance outwash. We did not encounter a water table in any of the test borings drilled on-site; however, some of the soils observed in the eastern portion of the site were moist to wet.

In our opinion, the soil and groundwater conditions are suitable for the planned development. Undisturbed native soil subgrades or compacted structural fill placed above these native soils will provide suitable bearing for standard spread footing foundations.

The attached report provides detailed recommendations regarding these design considerations and other geotechnical aspects of the project. We trust the information presented is sufficient for your current needs. If you have any questions or require additional information, please call.

Sincerely yours,
TERRA ASSOCIATES, INC.

John Sadler, L.E.G., L.H.G.
Project Manager

Theodore Scheppe, P.E.
President

cc: Mr. Scott Borgeson, PacLand

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**Geotechnical Report
Coval Property
3051 – 84th Avenue SE
Mercer Island, Washington**

1.0 PROJECT DESCRIPTION

A conceptual site plan prepared by PacLand dated July 5, 2013 indicates that the property will be redeveloped with 18 residential lots with a private access roadway off of 84th Avenue SE. Review of a preliminary grading and drainage plan prepared by PACLAND indicates grading to establish roadway and lot elevations will consist of cuts of up to 12 feet along the western portion of the site with fills of similar depth through the west-central site area. Fill grade transitions in this area of the site will be accommodated by a combination of the 2H:1V slopes and rockery walls. Minimal grading will occur in the eastern site area with lot grades matching existing or raised with two to four feet of fill.

Development stormwater will be routed for collection and controlled discharge from a below grade detention vault located below the access roadway in the eastern portion of the site. Based on vault elevations, an excavation of about 14 feet below current site grades will be required to construct the vault.

We expect that the residential structures will be one- to two-story wood frame buildings with their main floors constructed at grade or framed over crawl spaces or daylight basements. We anticipate that foundation loads would be relatively light, in the range of 2 to 3 kips per foot for bearing walls and 25 to 50 kips for isolated columns. Based on existing site topography, we anticipate that moderate cuts and fills will be required to establish building pad and roadway elevations.

The recommendations contained in the following report are based on our understanding of these design features. If actual features vary or changes are made, we should review them in order to modify our recommendations, as required. We should review final design drawings and specifications to verify that our recommendations have been properly interpreted and incorporated into project design.

2.0 SCOPE OF WORK

We performed our study in accordance with the scope of work outlined in our proposal dated July 1, 2013. Accordingly, we investigated subsurface conditions at the site by drilling 5 test borings to maximum depths of about 16.5 feet and 31.5 feet below existing surface grades using a track-mounted drill rig. Using the results of our subsurface exploration and laboratory testing, analyses were undertaken to develop geotechnical recommendations for project design and construction. Specifically, this report addresses the following:

- Soil and groundwater conditions
- Geologic hazards per the City of Mercer Island ULDC
- Seismic design parameters per the current International Building Code (IBC)
- Site preparation and grading
- Excavations

Based on our observations, it appears that the steepened slope inclination on the off-site lower 20 to 25 feet of the slope may have occurred incidental to construction of the retaining wall at the toe. Property records available on King County iMAP indicate that the apartment complex at the toe of the slope was built in 1959. Because the retaining wall forms the eastern edge of the apartment complex parking lot, it is likely that the retaining wall was constructed at the same time as the building. The wall is visible in an aerial photograph taken in 1963. The mature vegetation that currently grows on the lower portion of the slope is not established in the 1963 aerial photograph. The upper portion of the slope located on the subject property appears to support growth of mature vegetation.

Based on our field observations, the steep slope in the western portion of the subject site and the steeper off-site slope areas west of the site appear relatively stable. We did not observe indications of recent ground movements, significant active erosion, or groundwater seepage on the slope face. Soil conditions on the slope are dry and currently support growth of relatively straight, mature coniferous trees. We did not observe any indications of distress to the retaining wall at the toe of the slope, or indications of groundwater seepage in asphalt-paved areas located beyond the retaining wall.

3.2 Soils

The site soils generally consist of native, medium dense to very dense, fine- to medium-grained sand with varying amounts of silt and gravel that we have interpreted to be glacial advance outwash. We observed medium dense to dense, fine sandy silt and silty fine sand in Borings B-3 through B-5 in the central and eastern portion of the site. Medium dense to very dense sand with silt underlies the fine-grained soils in Borings B-4 and B-5 at depths of about 6 and 7 feet, respectively.

The *Geologic Map of Mercer Island, Washington* by Troost and Wisner dated 2006 shows the vast majority of the site mapped as Vashon recessional outwash (Qvr). Soils in the vicinity of the steep slope in the western portion of the site are mapped as Vashon advance outwash (Qva). The medium dense to very dense sand observed in the site borings are generally consistent with advance outwash. We did not observe deposits consistent with recessional outwash.

Detailed descriptions of the subsurface conditions we observed in the test borings are presented on the Boring Logs in Appendix A. The approximate boring locations are shown on Figure 2.

3.3 Groundwater

We did not observe a water table in the test borings or indications of persistent wet surface conditions on-site, including the steep slope in the western portion of the site. However, we did observe localized moist to wet soils and localized scattered mottling of soils in Borings B-3 through B-5 in the central and eastern portions of the site.

3. Areas that have shown evidence of past movement or that are underlain or covered by mass wastage debris from past movements.
4. Areas potentially unstable because of rapid stream incision and stream bank erosion.
5. Steep Slope. Any slope of 40 percent or greater calculated by measuring the vertical rise over any 30-foot horizontal run.

The steep west-facing slope located near the western site margin meets the criteria for a landslide hazard area given in above Items 1 and 5. Portions of this steep slope are identified as relic scarps of post-glacial landsliding on the *Geologic Map of Mercer Island, Washington* by Troost and Wisler dated 2006, and on a map titled *Mercer Island Landslide Hazard Assessment* by Troost and Wisler dated 2009. The localized slope area on the eastern side of the ravine near the north property margin, which has an inclination of about 60 percent, is also considered a landslide hazard area per Item 5.

As discussed, the steep slope areas appear stable. We did not observe indications of recent ground movements, significant active erosion, or groundwater seepage on the steep slopes. Additionally, based on our review of available property information and historical aerial photographs, and our observation of relatively straight, mature coniferous trees growing on the slope, it appears that steep western slope has been relatively stable for more than 50 years. This is supported by the results of stability analysis discussed below.

Stability Analysis

We performed stability analyses of the steep slope using the computer program WINSTABL. The soil parameters used for our analyses are based on field and laboratory data and our past experience with similar soils. These parameters are shown on the analysis output text and profiles in Appendix B.

Analyses were performed on a section line identified on Figure 2 as Section A-A' for both static and pseudostatic (seismic) conditions for the existing slope conditions. A generalized cross-sectional diagram of Section A-A' is presented as Figure 3. Because the site development plan is currently conceptual with no proposed grading information, we have not included analyses that consider conditions during and following site development.

The pseudostatic analysis used a horizontal earthquake coefficient value of 0.15g to model ground motions expected from a severe earthquake. The seismic acceleration of 0.15g was based on current USGS seismic hazard maps for a seismic event having a 10 percent probability of exceedance in a 50-year period. The USGS map indicates the subject site is located within an area where the peak horizontal ground acceleration for this return period is expected to range between 0.25g and 0.3g. Our analysis considered a horizontal acceleration equal to one-half the maximum value of this range. The lowest safety factors determined by our analyses are presented in the following table:

Section Analyzed	Minimum Safety Factors	
	Static	Pseudostatic
A-A' Existing Slope Condition	1.64	1.26

The results of the stability analyses indicate that the slope is stable with respect to deep-seated failure under static and pseudostatic conditions. The safety factors listed above are higher than the minimum safety factors considered acceptable for stable slopes by local geotechnical engineering practice.

4.0 DISCUSSION AND RECOMMENDATIONS

4.1 General

Based on our study, there are no geotechnical considerations that would preclude development of the site, as currently planned. The site is underlain primarily by medium dense to very dense, outwash sand with varying amounts of silt and gravel. The buildings can be supported on conventional spread footings bearing on these competent native soils or on structural fill placed and compacted above the competent native soil. Floor slabs and pavements can be similarly supported. Foundations for building lots located adjacent to the steep slope in the western portion of the site should be established at elevations resulting in a minimum lateral separation of 15 feet from the outside edge of the foundation to the face of the slope.

We anticipate the on-site silty sand and sand with silt soils will be suitable for use as structural fill, provided the moisture content of the soil is maintained within two percent of optimum. These soils contain enough fines (silt- and clay-size particles) that they will be difficult to compact as structural fill when wet. If grading activities will take place during the winter season, or if they are initiated during the summer and extend into fall and winter, the owner should be prepared to import free-draining granular material for use as structural fill and backfill.

The following sections provide detailed recommendations regarding these issues and other geotechnical design considerations. These recommendations should be incorporated into the final design drawings and construction specifications.

4.2 Site Preparation and Grading

To prepare the site for construction, all vegetation, organic surface soils, and other deleterious materials should be stripped and removed from the site. We expect surface stripping depths of about two to eight inches will be required to remove the organic surficial soils. Stripped vegetation debris should be removed from the site. Organic soils will not be suitable for use as structural fill, but may be used for limited depths in nonstructural areas or for landscaping purposes. Once clearing and grubbing operations are complete, cut and fill operations to establish desired building grades can be initiated.

We recommend proofrolling all exposed surfaces to determine if any isolated soft and yielding areas are present. Proofrolling should also be performed in cut areas which will provide direct support for new construction. If excessively yielding areas are observed, they should be cut to firm bearing soil and filled to grade with structural fill. If the depth of excavation to remove unstable soils is excessive, use of geotextile fabric such as Mirafi 500X or equivalent in conjunction with structural fill can be considered in order to limit the depth of removal. A minimum of 18 inches of clean, granular structural fill over the geotextile fabric should establish a stable bearing surface. A representative of Terra Associates, Inc. should examine all bearing surfaces to verify that conditions encountered are as anticipated and are suitable for placement of structural fill or direct support of building and pavement elements.

4.4 Excavations

All excavations at the site associated with confined spaces, such as lower building level retaining walls, must be completed in accordance with local, state, and federal requirements. Based on the Washington State Safety and Health Administration (WSHA) regulations, the medium dense to very dense outwash soils would typically be classified as Type C soils.

Accordingly, for temporary excavations of more than 4 feet and less than 20 feet in depth, the side slopes in Type C soils should be laid back at a slope inclination of 1.5:1 (Horizontal:Vertical) or flatter. If there is insufficient room to complete the excavations in this manner, or if excavations greater than 20 feet deep are planned, you may need to use temporary shoring to support the excavations.

Minor groundwater seepage may be encountered in excavations extending below a depth of about four feet in the central and southeastern portions of the site. Based on the conditions we observed, the volume of water and rate of flow into the excavation should be relatively minor and would not be expected to impact the stability of the excavations when completed, as described above. Conventional sump pumping procedures along with a system of collection trenches, if necessary, should be capable of maintaining a relatively dry excavation for construction purposes in these soils.

The above information is provided solely for the benefit of the owner and other design consultants, and should not be construed to imply that Terra Associates, Inc. assumes responsibility for job site safety. It is understood that job site safety is the sole responsibility of the project contractor.

4.5 Foundations

Residential structures may be supported on conventional spread footing foundations bearing on competent native soils or on structural fills placed above these native soils. Foundation subgrades should be prepared, as recommended in Section 4.2 of this report.

Perimeter foundations exposed to the weather should bear at a minimum depth of 1.5 feet below final exterior grades for frost protection. Interior foundations can be constructed at any convenient depth below the floor slab. As discussed, building foundations for lots adjacent to the steep slope in the western portion of the site should be lowered to maintain a minimum lateral separation of 15 feet between the outer edge of the footing and the face of the slope.

We recommend designing foundations obtaining support on structural fill or on native soils in the upper 12 feet of the soil horizon for a net allowable bearing capacity of 2,500 pounds per square foot (psf). Foundations bearing on the denser outwash sands observed below a depth of 12 feet such as for the stormwater vault can be designed for a net allowable bearing capacity of 5,000 psf. For short-term loads, such as wind and seismic, a one-third increase in this allowable capacity can be used in design. With the anticipated loads and this bearing stress applied, building settlements should be less than one-half inch total and one-fourth inch differential.

Gravity block or mechanically stabilized earth (MSE) walls can also be used to accommodate vertical breaks in grade that may be required to achieve desired site elevations. We can design or provide soil design parameters for a design build approach for these alternative wall systems, if requested.

4.8 Rockeries

We understand that rockeries may be used to face near-vertical grade transitions at the site. It should be noted that rockeries are not engineered structures that are designed to retain earth in a manner similar to a cast-in-place concrete or gravity block wall systems. Rocks used to construct the wall will by virtue of their mass enhance stability; however, the soil against which the rockery is constructed must be inherently stable and able to stand unsupported in a near-vertical condition. The native Advance outwash deposits observed in our site explorations are typically dense to very dense and can remain relatively stable for extended periods of time if adequately protected from erosion. In our opinion, the dense to very dense native soils would be suitable for rockery construction to a maximum height of eight feet. A recommended cut rockery detail is shown on Figure 6.

In our opinion, rockeries can be used to face unreinforced structural fill to a maximum height of four feet provided the fill is placed and compacted in accordance with recommendations outlined in Section 4.2 of this report, and the structural fill face is overbuilt, and then cut back, prior to rock placement.

For fill heights greater than four feet or where the rockery will be surcharged by structures or driveway/parking areas, the structural fill immediately behind the rockery facing should be reinforced with geosynthetic reinforcement. A recommended reinforced fill/rockery construction detail for a maximum wall height of ten feet is attached as Figure 7.

4.9 Drainage

Surface

Final exterior grades should promote free and positive drainage away from the building areas. We recommend providing a positive drainage gradient away from the building perimeter. If a positive gradient cannot be provided, provisions for collection and disposal of surface water adjacent to the structure should be provided.

Surface water from developed areas must not be allowed to flow in an uncontrolled and concentrated manner over the crests of site slopes and embankments. Surface water should be directed away from the slope crests to a point of collection and controlled discharge. If site grades do not allow for directing surface water away from the slopes, then the water should be collected and tightlined to an approved point of controlled discharge.

Subsurface

We recommend installing a continuous drain along the outside lower edge of the perimeter building foundations. The drains can be laid to grade at an invert elevation equivalent to the bottom of footing grade. The drains can consist of four-inch diameter perforated PVC pipe that is enveloped in washed ½- to ¾-inch gravel-sized drainage aggregate. The aggregate should extend six inches above and to the sides of the pipe. The foundation drains and roof downspouts should be tightlined separately to an approved point of controlled discharge. All drains should be provided with cleanouts at easily accessible locations. These cleanouts should be serviced at least once each year.

The pavement design section is dependent upon the supporting capability of the subgrade soils and the traffic conditions to which it will be subjected. As we understand, traffic will mainly consist of light passenger and commercial vehicles with only occasional heavy traffic in the form of moving trucks and trash removal vehicles. Based on this information, with a stable subgrade prepared as recommended, we recommend the following pavement sections:

- Two inches of asphalt concrete (AC) over four inches of crushed rock base (CRB)
- Two inches of AC over three inches of asphalt-treated base (ATB)

All paving materials should conform to 2004 WSDOT specifications for "Hot Mix Asphalt" (HMA). Crushed surfacing base course material should conform to 2004 WSDOT 9-03.9(3) "Crushed Surfacing" specifications.

Long-term pavement performance will depend on surface drainage. A poorly-drained pavement section will be subject to premature failure as a result of surface water infiltrating into the subgrade soils and reducing their supporting capability. For optimum performance, we recommend surface drainage gradients of at least two percent. Some degree of longitudinal and transverse cracking of the pavement surface should be expected over time. Regular maintenance should be planned to seal cracks when they occur.

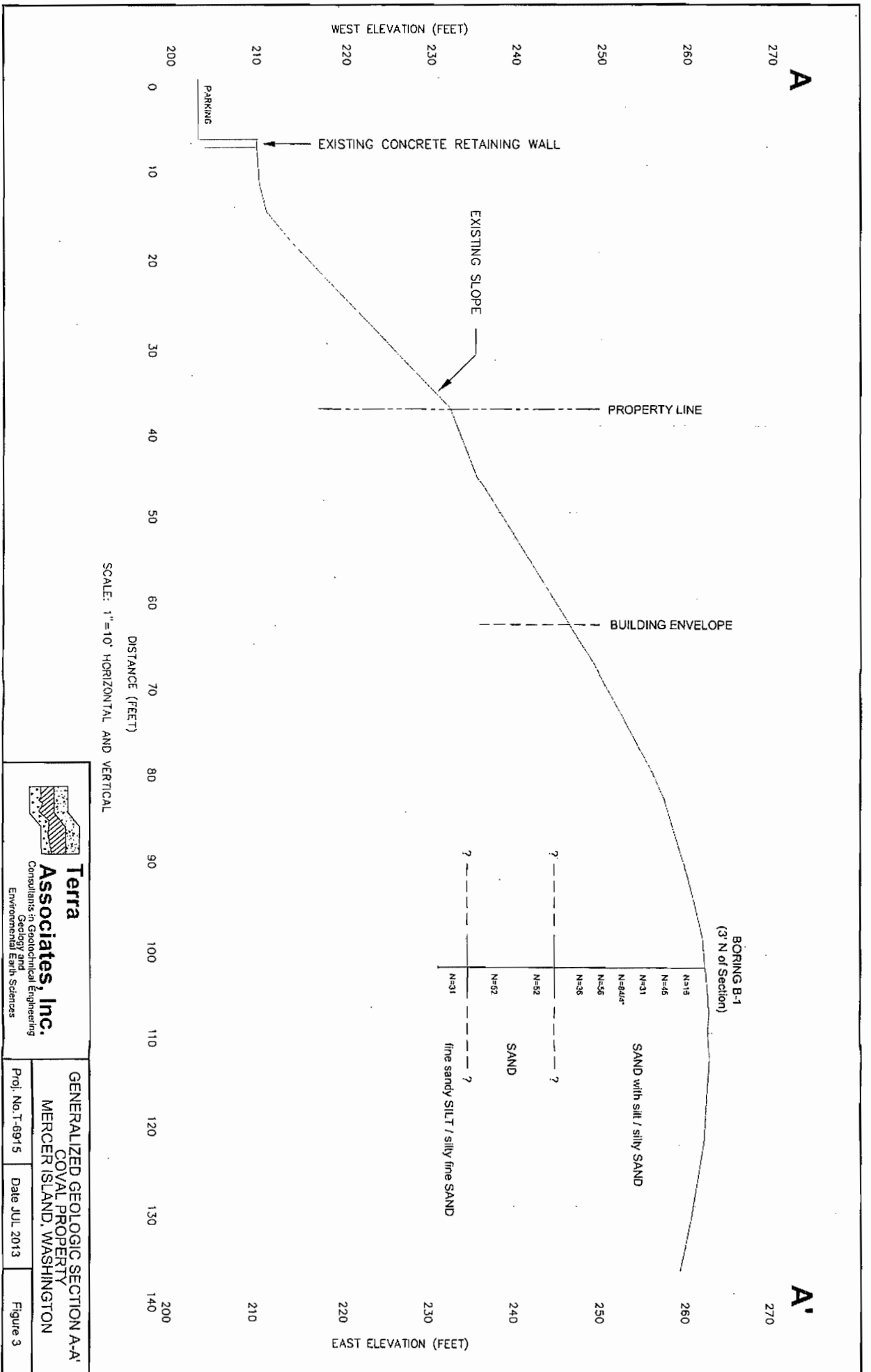
5.0 ADDITIONAL SERVICES

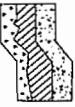
Terra Associates, Inc. should review the final designs and specifications in order to verify that earthwork and foundation recommendations have been properly interpreted and implemented in project design. We should also provide geotechnical services during construction in order to observe compliance with our design concepts, specifications, and recommendations. This will allow for design changes if subsurface conditions differ from those anticipated prior to the start of construction.

6.0 LIMITATIONS

We prepared this report in accordance with generally accepted geotechnical engineering practices. No other warranty, expressed or implied, is made. This report is the copyrighted property of Terra Associates, Inc. and is intended for specific application to the Coval Property project. This report is for the exclusive use of MJ 84th Limited Partnership and its authorized representatives. No other warranty, expressed or implied, is made.

The analyses and recommendations presented in this report are based on data obtained from our on-site test pits. Variations in soil conditions can occur, the nature and extent of which may not become evident until construction. If variations appear evident, Terra Associates, Inc. should be requested to reevaluate the recommendations in this report prior to proceeding with construction.





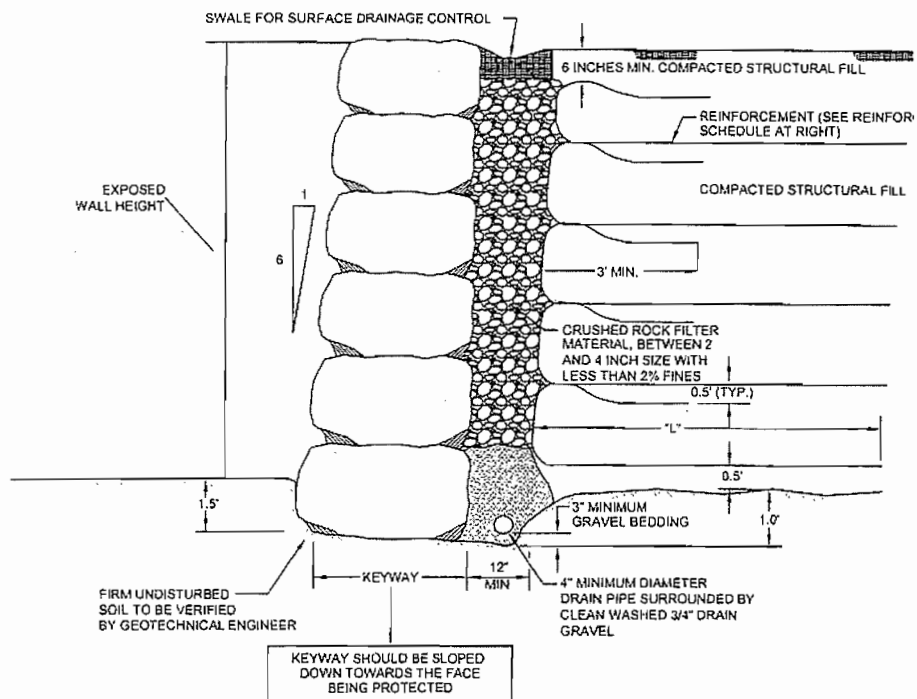
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GENERALIZED GEOLOGIC SECTION A-A'
COVAL PROPERTY
MERCER ISLAND, WASHINGTON

Proj. No. T-6915

Date JUL 2013

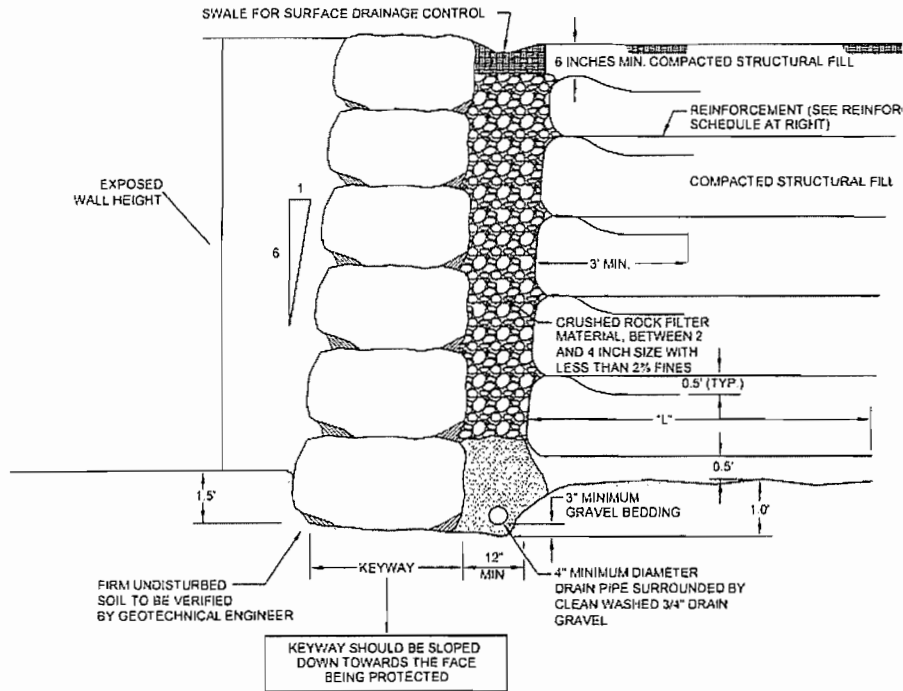
Figure 3



NOT TO SCALE

GENERAL REINFORCED FILL NOTES:

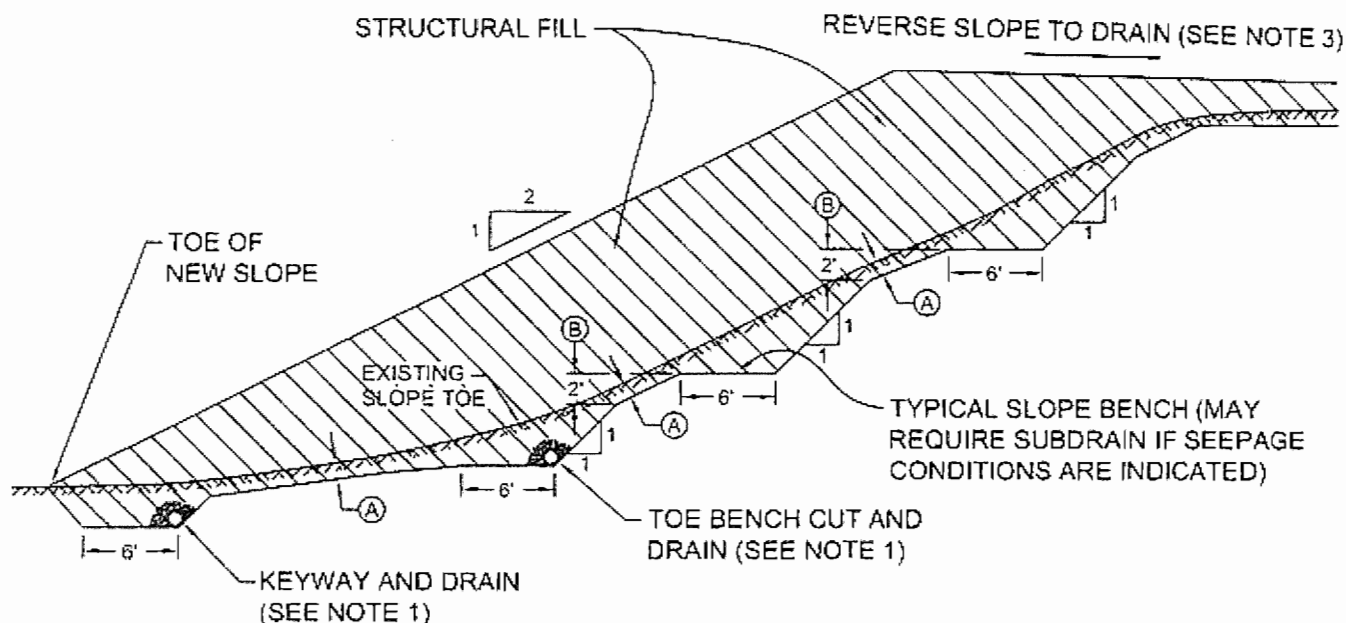
1. REFER TO CIVIL DRAWINGS FOR ROCKERY ALIGNMENT, LOCATIONS AND ELEVATIONS
2. REFER TO REINFORCING SCHEDULE FOR GEOTEXTILE LENGTHS AND ELEVATIONS.
3. GEOTEXTILE SHALL BE INSTALLED ON HORIZONTAL SURFACE OF COMPACTED STRUCTURAL FILL AT ELEVATIONS SHOWN ON SCHEDULE.
4. GEOTEXTILE SHALL BE PULLED TIGHT BEHIND WALL. STAKE END OF GEOGRID AS REQUIRED TO MAINTAIN TENSION BEFORE COVERING WITH STRUCTURAL FILL.
5. PROTECT GEOTEXTILE FROM CONSTRUCTION DAMAGE PER MANUFACTURERS CONSTRUCTION EQUIPMENT SHALL NOT TRAVEL DIRECTLY ON GEOTEXTILE. ANY GEOTEXTILE THAT IS DAMAGED SHALL BE REPLACED WITH NEW GEOTEXTILE AT CONTRACTORS EXPENSE
6. GEOTEXTILE SHALL BE AS SHOWN ON SCHEDULE. ALL GEOTEXTILE SHALL BE CLEARLY IDENTIFIED AND LABELED IN THE FIELD. ANY UNMARKED ROLLS, OR PORTIONS THEREOF, OF GEOTEXTILE THAT CANNOT BE IDENTIFIED SHALL NOT BE USED IN WALL CONSTRUCTION
7. ALL STRUCTURAL FILL TO BE PLACED AND COMPACTED PER REPORT PREPARED BY TERRA ASSOCIATES, PROJECT NO. T-8915 DATED JULY, 2013. STRUCTURAL FILL IN RE-INFORCED ZONE SHALL BE GRANULAR MATERIAL WITH A MAXIMUM AGGREGATE SIZE OF 3 INCHES AND A MAXIMUM OF 30 PERCENT PASSING THE NO. 200 SIEVE (FINES CONTENT) BASED ON THE 3/4" GRAVEL FRACTION



NOT TO SCALE

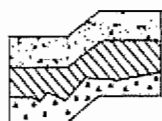
GENERAL REINFORCED FILL NOTES:

- 1 REFER TO CIVIL DRAWINGS FOR ROCKERY ALIGNMENT, LOCATIONS AND ELEVATIONS
- 2 REFER TO REINFORCING SCHEDULE FOR GEOTEXTILE LENGTHS AND ELEVATIONS
- 3 GEOTEXTILE SHALL BE INSTALLED ON HORIZONTAL SURFACE OF COMPACTED STRUCTURAL FILL AT ELEVATIONS SHOWN ON SCHEDULE
- 4 GEOTEXTILE SHALL BE PULLED TIGHT BEHIND WALL. STAKE END OF GEOGRID AS REQUIRED TO MAINTAIN TENSION BEFORE COVERING WITH STRUCTURAL FILL.
- 5 PROTECT GEOTEXTILE FROM CONSTRUCTION DAMAGE PER MANUFACTURERS CONSTRUCTION EQUIPMENT SHALL NOT TRAVEL DIRECTLY ON GEOTEXTILE ANY GEOTEXTILE THAT IS DAMAGED SHALL BE REPLACED WITH NEW GEOTEXTILE AT CONTRACTORS EXPENSE
- 6 GEOTEXTILE SHALL BE AS SHOWN ON SCHEDULE ALL GEOTEXTILE SHALL BE CLEARLY IDENTIFIED AND LABELED IN THE FIELD. ANY UNMARKED ROLLS, OR PORTIONS THEREOF, OF GEOTEXTILE THAT CANNOT BE IDENTIFIED SHALL NOT BE USED IN WALL CONSTRUCTION
- 7 ALL STRUCTURAL FILL TO BE PLACED AND COMPACTED PER REPORT PREPARED BY TERRA ASSOCIATES, PROJECT NO. T-6915 DATED JULY, 2013 STRUCTURAL FILL IN RE-INFORCED ZONE SHALL BE GRANULAR MATERIAL WITH A MAXIMUM AGGREGATE SIZE OF 3 INCHES AND A MAXIMUM OF 30 PERCENT PASSING THE NO. 200 SIEVE (FINES CONTENT) BASED ON THE 3/4" GRAVEL FRACTION



NOTES:

- 1) DRAINS SHALL CONSIST OF 6" DIAMETER PERFORATED PVC PIPE ENVELOPED IN 1 cu. ft. OF WASHED 3/4" MINUS DRAINAGE GRAVEL.
- 2) (A) -- TOPSOIL REMOVAL THICKNESS BETWEEN KEYWAY AND BENCHES.
- (B) -- VERTICAL ELEVATION DIFFERENCE BETWEEN TOP OF LOWER BENCH BACKCUT AND UPPER BENCH ELEVATION.
- 3) RECOMMENDED PRIOR TO ESTABLISHMENT OF PERMANENT EROSION CONTROL MEASURES AND SITE DRAINAGE.



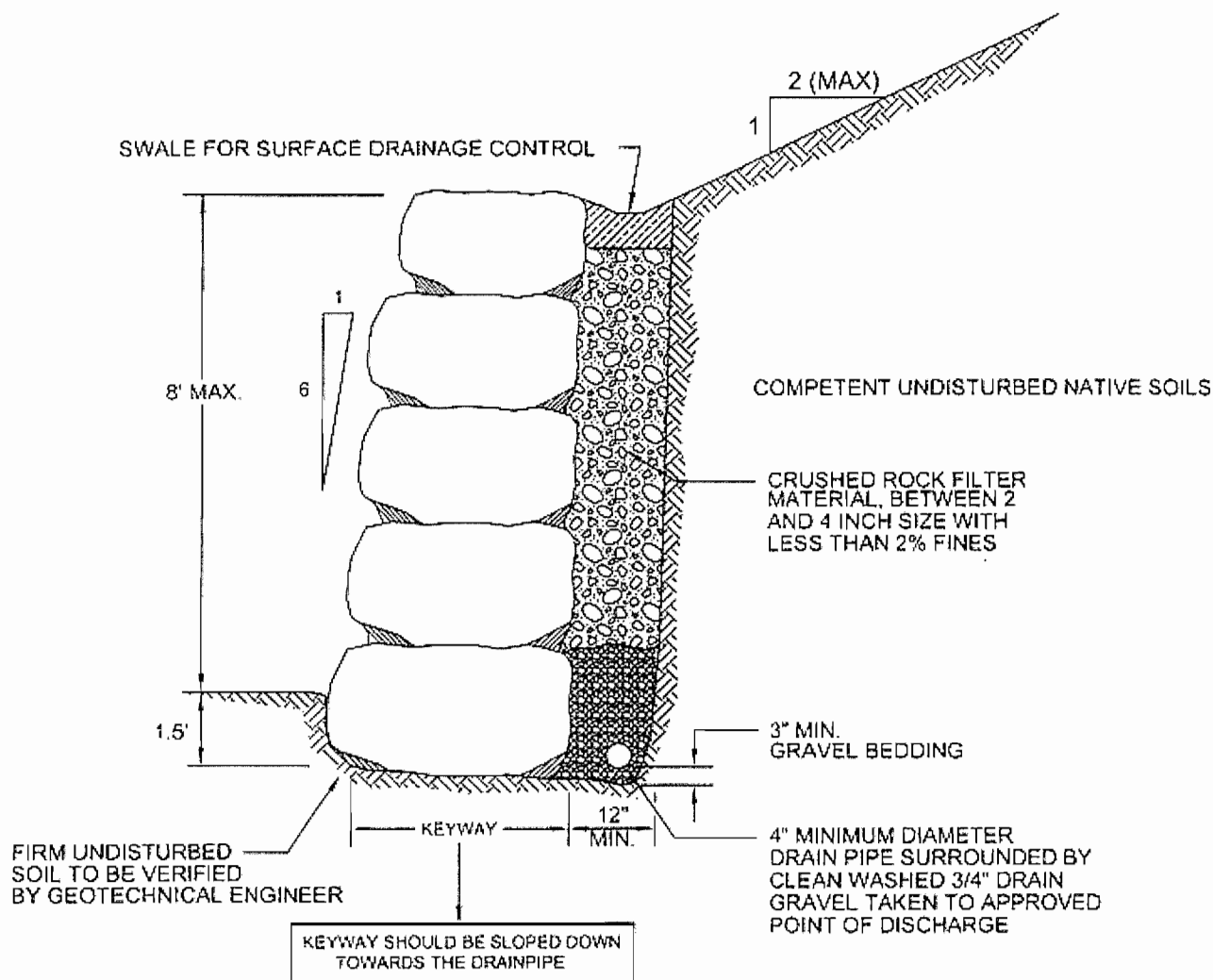
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GENERALIZED SLOPE FILL DIAGRAM
COVAL PROPERTY
MERCER ISLAND, WASHINGTON

Proj. No. T-6915

Date JUL 2013

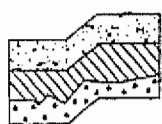
Figure 4



NOT TO SCALE

ROCKERY NOTES:

1. REFER TO CIVIL GRADING DRAWINGS FOR ROCKERY ALIGNMENTS AND ELEVATIONS.
2. ROCKERY CONSTRUCTION SHALL BE COMPLETED IN ACCORDANCE WITH THE ASSOCIATION OF ROCKERY CONTRACTORS (ARC) GUIDELINES.
3. ROCK USED MUST MEET THE REQUIREMENTS FOR ROCK QUALITY SPECIFIED IN SECTIONS 9-13.7(1) OF THE WSDOT STANDARDS SPECIFICATIONS (2012).
4. ALL CAP ROCKS MUST BE SECURE AND NOT ABLE TO BE DISLODGED BY HAND.



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CUT ROCKERY DETAIL
COVAL PROPERTY
MERCER ISLAND, WASHINGTON

Proj. No.T-6915

Date JUL 2013

Figure 6

**APPENDIX A
FIELD EXPLORATION AND LABORATORY TESTING**

**Coval Property
Mercer Island, Washington**




On July 8, 2013, we investigated subsurface conditions at the site by drilling 5 test borings to maximum depths ranging from about 16.5 feet to about 31.5 feet below existing surface grades using a track-mounted drill rig. The approximate boring locations are shown on Figure 2. The boring locations were approximately determined in the field by sighting relative to existing surface features. The Boring Logs are presented on Figures A-2 through A-6.

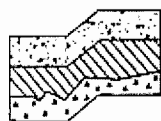
A geotechnical engineer from our office conducted the field exploration, maintained a log of each boring, classified the soils encountered, collected representative soil samples, and observed pertinent site features. All soil samples were visually classified in accordance with the Unified Soil Classification System (USCS) described on Figure A-1.

Representative soil samples obtained from the test borings were placed in sealed containers and taken to our laboratory for further examination and testing. The moisture content of each sample was measured and is reported on the Boring Logs. Grain size analyses were performed on six samples. The results are shown on Figures A-7 and A-8.

MAJOR DIVISIONS			LETTER SYMBOL	TYPICAL DESCRIPTION
COARSE GRAINED SOILS More than 50% material larger than No. 200 sieve size	GRAVELS More than 50% of coarse fraction is larger than No. 4 sieve	Clean Gravels (less than 5% fines)	GW	Well-graded gravels, gravel-sand mixtures, little or no fines.
			GP	Poorly-graded gravels, gravel-sand mixtures, little or no fines.
		Gravels with fines	GM	Silty gravels, gravel-sand-silt mixtures, non-plastic fines.
			GC	Clayey gravels, gravel-sand-clay mixtures, plastic fines.
	SANDS More than 50% of coarse fraction is smaller than No. 4 sieve	Clean Sands (less than 5% fines)	SW	Well-graded sands, sands with gravel, little or no fines.
			SP	Poorly-graded sands, sands with gravel, little or no fines.
		Sands with fines	SM	Silty sands, sand-silt mixtures, non-plastic fines.
			SC	Clayey sands, sand-clay mixtures, plastic fines.
FINE GRAINED SOILS More than 50% material smaller than No. 200 sieve size	SILTS AND CLAYS Liquid Limit is less than 50%		ML	Inorganic silts, rock flour, clayey silts with slight plasticity.
			CL	Inorganic clays of low to medium plasticity. (Lean clay)
			OL	Organic silts and organic clays of low plasticity.
	SILTS AND CLAYS Liquid Limit is greater than 50%		MH	Inorganic silts, elastic.
			CH	Inorganic clays of high plasticity. (Fat clay)
			OH	Organic clays of high plasticity.
HIGHLY ORGANIC SOILS			PT	Peat.

DEFINITION OF TERMS AND SYMBOLS

COHESIONLESS	<u>Density</u>	<u>Standard Penetration Resistance in Blows/Foot</u>	 2" OUTSIDE DIAMETER SPILT SPOON SAMPLER
	Very Loose Loose Medium Dense Dense Very Dense	0-4 4-10 10-30 30-50 >50	 2.4" INSIDE DIAMETER RING SAMPLER OR SHELBY TUBE SAMPLER
COHESIVE	<u>Consistency</u>	<u>Standard Penetration Resistance in Blows/Foot</u>	 WATER LEVEL (Date)
	Very Soft Soft Medium Stiff Stiff Very Stiff Hard	0-2 2-4 4-8 8-16 16-32 >32	Tr TORVANE READINGS, tsf Pp PENETROMETER READING, tsf DD DRY DENSITY, pounds per cubic foot LL LIQUID LIMIT, percent PI PLASTIC INDEX N STANDARD PENETRATION, blows per foot



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UNIFIED SOIL CLASSIFICATION SYSTEM
COVAL PROPERTY
MERCER ISLAND, WASHINGTON

Proj. No.T-6915

Date JUL 2013

Figure A-1

LOG OF BORING NO. B-1

Figure No. A-2

Project: Coval Property

Project No: T-6915

Date Drilled: 7/8/13

Client: M.I. 84th LTD. Partnership

Driller: BORETEC

Logged By: CSD

Location: Mercer Island, Washington

Approx. Elev: 264 Feet

Depth (ft)	Sample Interval	Soil Description	Consistency/ Relative Density	Moisture Content %		SPT (N) Blows/ft				
				Wp	Wl	10	20	30	40	52
21		Gray SAND, fine grained, moist. (SP)	Very Dense	11.2						
22										
23										
24										
25										
26		Brown fine sandy SILT to silty fine SAND, moist. (ML/SM)	Very Dense	20.5						
27										
28										
29										
30										
31		Test boring terminated at 31.5 feet. No groundwater observed during drilling.								
32										
33										
34										
35										
36										
37										
38										
39										
40										

Note: This borehole log has been prepared for geotechnical purposes. This information pertains only to this boring location and should not be interpreted as being indicative of other areas of the site.



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LOG OF BORING NO. B-2

Figure No. A-3

Project: Coval Property

Project No: T-6915

Date Drilled: 7/8/13

Client: M.I. 84th LTD. Partnership

Driller: BORETEC

Logged By: CSD

Location: Mercer Island, Washington

Approx. Elev: 254 Feet

Depth (ft)	Sample Interval	Soil Description	Consistency/ Relative Density	Moisture Content % Wp ---x--- Wl 10 20 30 40	SPT (N) Blows/ft 10 20 30 40
21		Gray SAND with silt, fine grained, moist. (SP-SM)	Dense	25.9	38
22		Gray SILT, moist. (ML)	Dense		
23		Gray SAND with silt, fine grained, moist. (SP-SM)	Dense		
24					
25				26.3	49
26					
27		Gray fine sandy SILT to silty fine SAND, moist. (ML/SM)	Dense		
28					
29					
30				26.0	43
31					
32		Test boring terminated at 31.5 feet. No groundwater observed during drilling.			
33					
34					
35					
36					
37					
38					
39					
40					

Note: This borehole log has been prepared for geotechnical purposes. This information pertains only to this boring location and should not be interpreted as being indicative of other areas of the site.



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LOG OF BORING NO. B-4

Figure No. A-5

Project: Coval Property

Project No: T-6915

Date Drilled: 7/8/13

Client: M.I. 84th LTD. Partnership

Driller: BORETEC

Logged By: CSD

Location: Mercer Island, Washington

Approx. Elev: 238 Feet

Depth (ft)	Sample Interval	Soil Description	Consistency/ Relative Density	Moisture Content % Wp -----x----- Wl 10 20 30 40	SPT (N) Blows/ft 10 20 30 40
1		(GRASS/ACCESS ROADWAY)			
2				15.5	20
3		Gray slightly clayey, silty fine SAND to slightly clayey, fine sandy SILT, scattered gravel, moist. (SM/ML)	Medium Dense		
4				24.4	17
5		Gray silty fine SAND to fine sandy SILT, moist. (SM/ML)		15.1	
6				12.5	15
7			Medium Dense		
8				17.1	21
9				7.3	33
10		Gray SAND with silt to silty SAND, fine to medium grained, scattered silt partings and seams, moist. (SP-SM/SM)	Dense		
11				12.6	
12			Very Dense		
13					
14					
15					
16					
17		Test boring terminated at 16.5 feet. No groundwater observed during drilling.			
18					
19					
20					

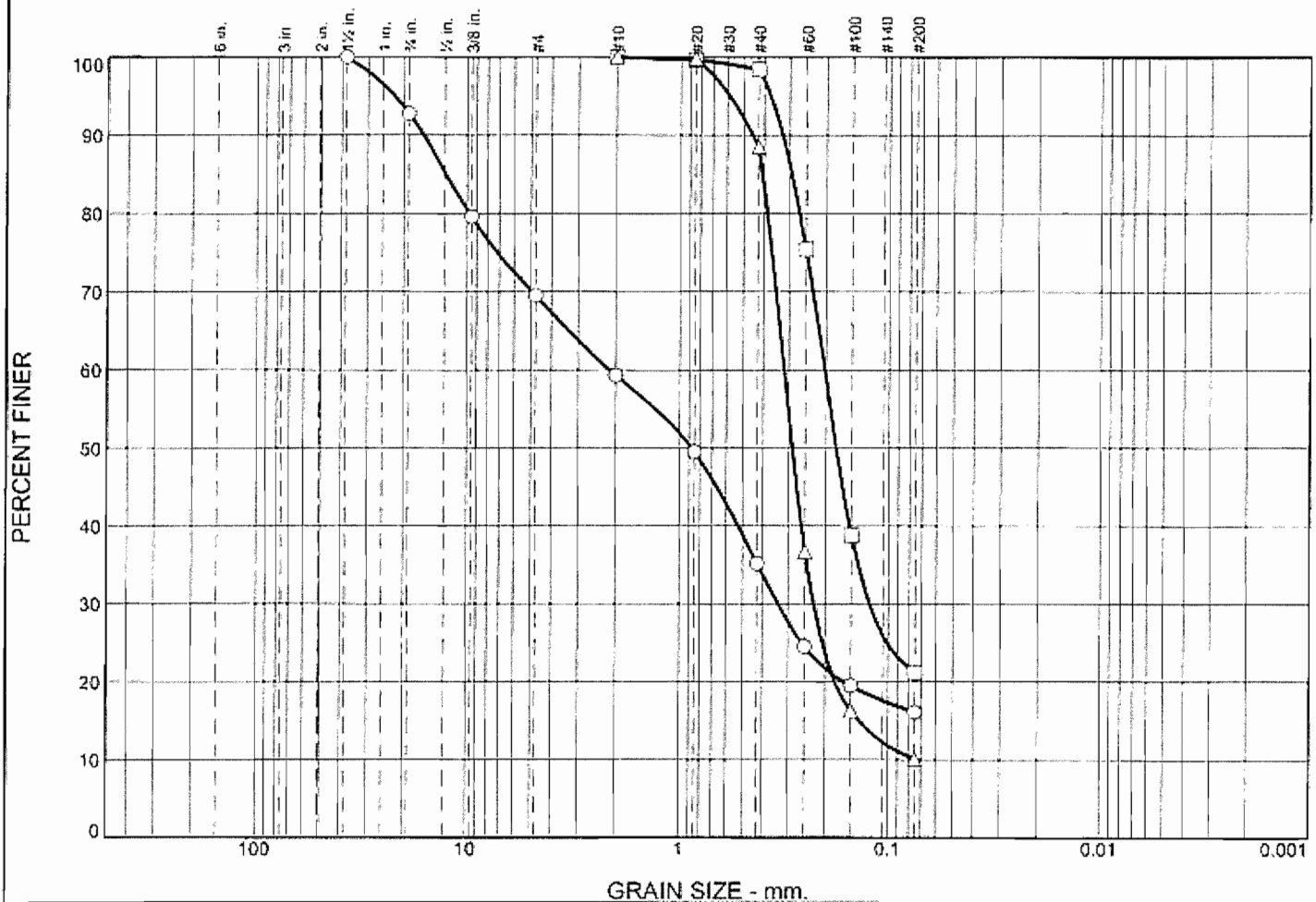
Note: This borehole log has been prepared for geotechnical purposes. This information pertains only to this boring location and should not be interpreted as being indicative of other areas of the site.



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Particle Size Distribution Report



GRAIN SIZE - mm.									
	% +3"		% Gravel		% Sand			% Fines	
			Coarse	Fine	Coarse	Medium	Fine	Silt	Clay
○	0.0		7.2	23.3	10.2	24.1	19.1	16.1	
□	0.0		0.0	0.0	0.0	1.6	77.2	21.2	
△	0.0		0.0	0.0	0.0	11.5	78.4	10.1	
×	LL	PL	D ₈₅	D ₆₀	D ₅₀	D ₃₀	D ₁₅	D ₁₀	C _c C _u
○			12.5584	2.1395	0.8771	0.3363			
□			0.2934	0.2029	0.1778	0.1231			
△			0.4063	0.3166	0.2882	0.2273	0.1372		

Material Description								USCS	AASHTO
○ silty SAND with gravel								SM	
□ silty SAND								SM	
△ SAND with silt								SP-SM	

Project No. T-6915		Client: MI 84th Limited Partnership		Remarks: ○ Tested 7-15-13 □ Tested 7-15-13 △ Tested 7-16-13
Project: Coval Property				
○ Location: B-1	Depth: 10'			
□ Location: B-1	Depth: 25'			
△ Location: B-4	Depth: 7.5'			
Terra Associates, Inc.				
Kirkland, WA				Figure A-7

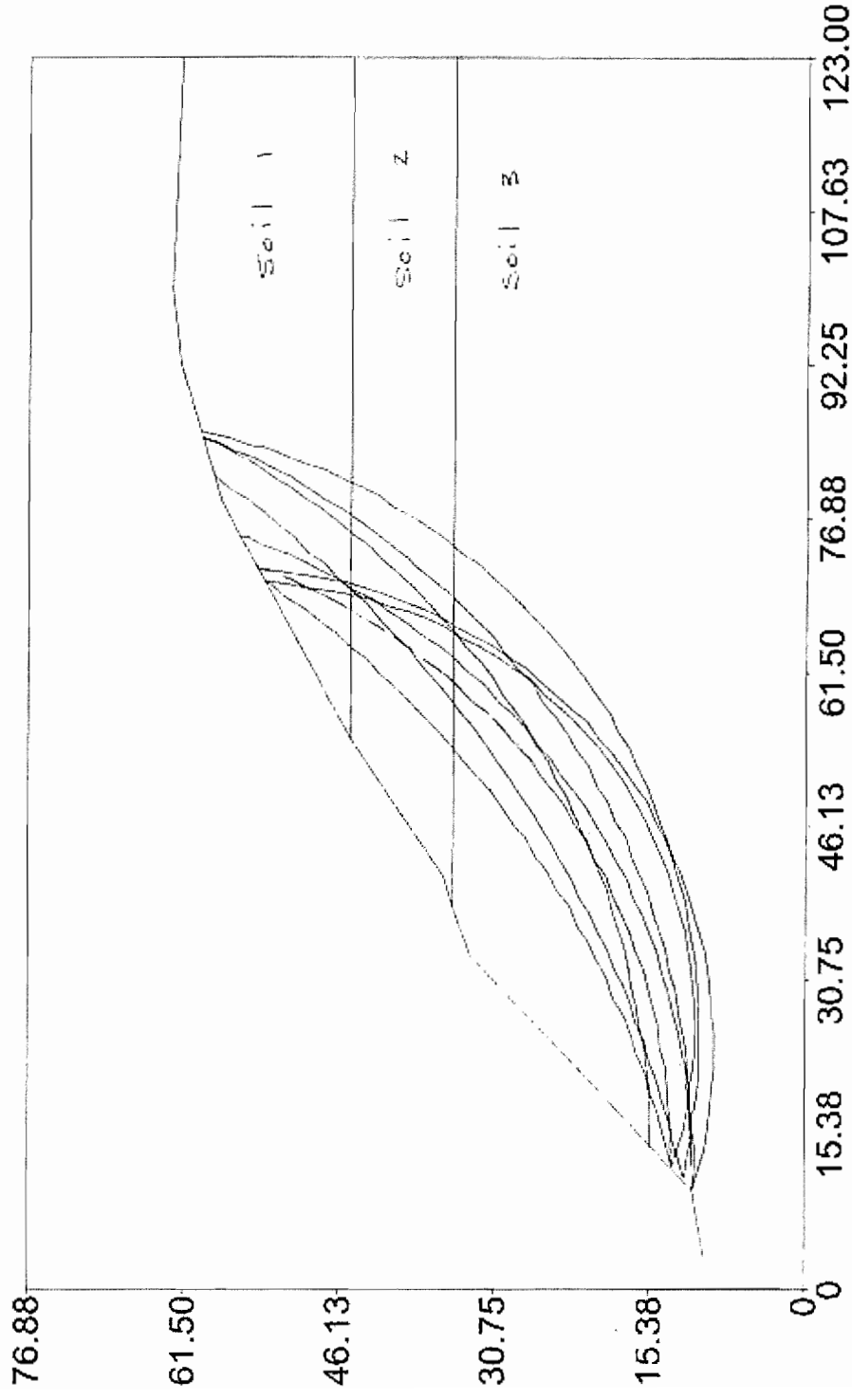
Figure A-7

Tested By: FQ

APPENDIX B

WINSTABL OUTPUT

A-A' Static



Safety Factors

1.64
1.68
1.70
1.76
1.79
1.83
1.88
1.89
1.89
1.89

** PCSTABL6 **

by
Purdue University

modified by
Peter J. Bosscher
University of Wisconsin-Madison

--Slope Stability Analysis--
Simplified Janbu, Simplified Bishop
or Spencer's Method of Slices

PROBLEM DESCRIPTION A-A' Static

BOUNDARY COORDINATES

9 Top Boundaries
11 Total Boundaries

Type	Boundary	X-Left	Y-Left	X-Right	Y-Right	Soil
Bnd	No.	(ft)	(ft)	(ft)	(ft)	Below
	1	3.00	10.00	10.00	11.00	1
	2	10.00	11.00	33.00	33.00	1
	3	33.00	33.00	38.00	35.00	1
	4	38.00	35.00	41.00	36.00	2
	5	41.00	36.00	55.00	45.00	2
	6	55.00	45.00	78.50	58.00	3
	7	78.50	58.00	92.50	62.00	3
	8	92.50	62.00	100.00	63.00	3
	9	100.00	63.00	123.00	62.00	3
	10	55.00	45.00	123.00	45.00	2
	11	38.00	35.00	123.00	35.00	1

Failure Surface Specified By 42 Coordinate Points

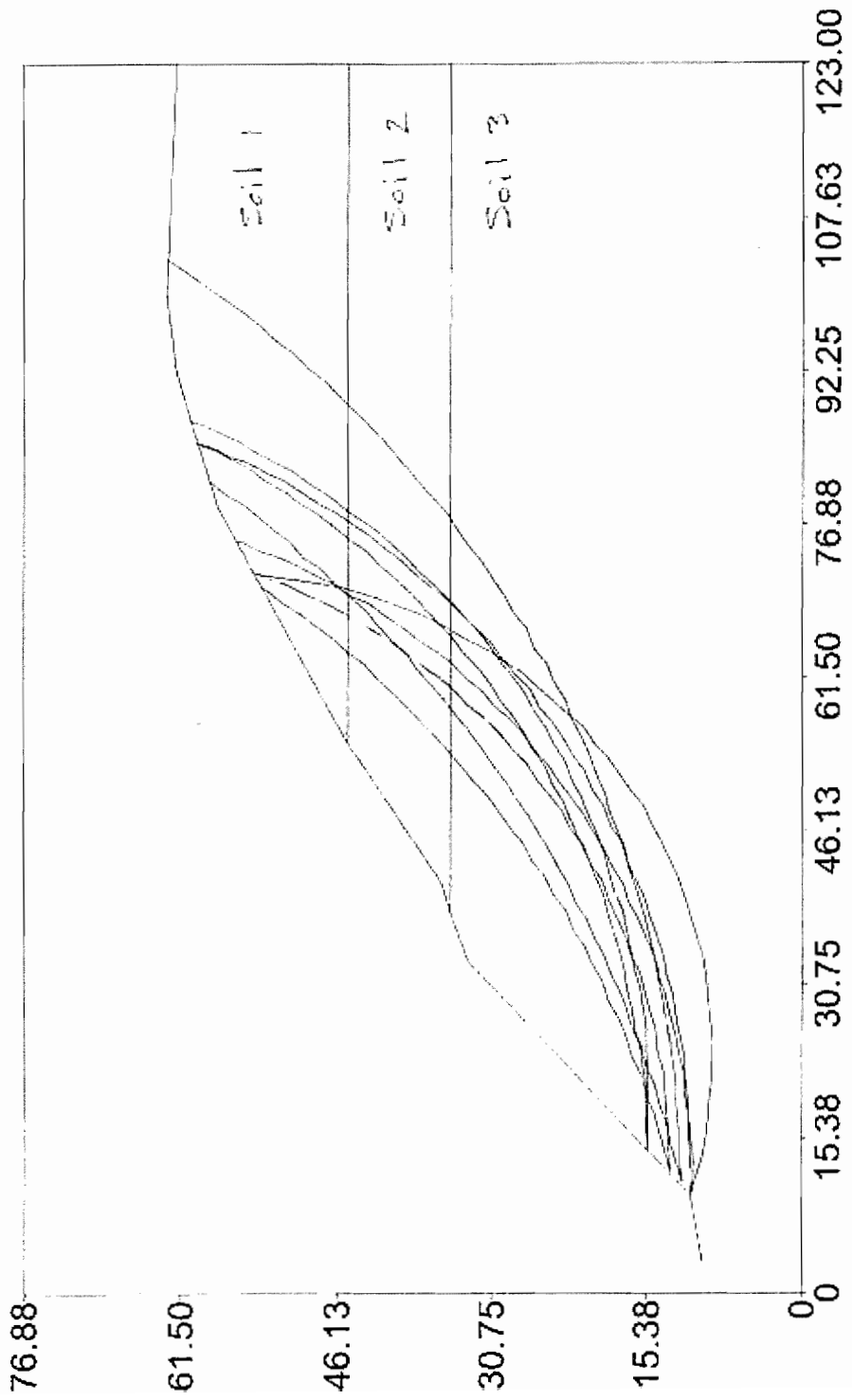
Point No.	X-Surf (ft)	Y-Surf (ft)
1	10.00	11.00
2	12.00	11.06
3	14.00	11.17
4	15.99	11.35
5	17.98	11.58
6	19.95	11.87
7	21.92	12.22
8	23.88	12.63
9	25.83	13.10
10	27.76	13.62
11	29.67	14.20
12	31.56	14.84
13	33.44	15.54
14	35.29	16.28
15	37.13	17.09
16	38.93	17.95
17	40.71	18.86
18	42.47	19.82
19	44.19	20.83
20	45.88	21.90
21	47.54	23.01
22	49.17	24.18
23	50.76	25.39
24	52.32	26.65
25	53.83	27.95
26	55.31	29.30
27	56.75	30.69
28	58.14	32.12
29	59.49	33.60
30	60.80	35.11
31	62.06	36.66
32	63.28	38.25
33	64.45	39.88
34	65.56	41.53
35	66.63	43.22
36	67.65	44.94
37	68.62	46.69
38	69.54	48.47
39	70.40	50.28
40	71.21	52.11
41	71.96	53.96
42	72.16	54.49

Circle Center At X = 9.1 ; Y = 78.4 and Radius, 67.4

*** 1.640 ***

A-A' Pseudostatic

Safety Factors



** PCSTABL6 **

by
Purdue University

modified by
Peter J. Bosscher
University of Wisconsin-Madison

--Slope Stability Analysis--
Simplified Janbu, Simplified Bishop
or Spencer's Method of Slices

PROBLEM DESCRIPTION A-A' Pseudostatic

BOUNDARY COORDINATES

9 Top Boundaries
11 Total Boundaries

Type	Boundary	X-Left	Y-Left	X-Right	Y-Right	Soil
Bnd	No.	(ft)	(ft)	(ft)	(ft)	Below
	1	3.00	10.00	10.00	11.00	1
	2	10.00	11.00	33.00	33.00	1
	3	33.00	33.00	38.00	35.00	1
	4	38.00	35.00	41.00	36.00	2
	5	41.00	36.00	55.00	45.00	2
	6	55.00	45.00	78.50	58.00	3
	7	78.50	58.00	92.50	62.00	3
	8	92.50	62.00	100.00	63.00	3
	9	100.00	63.00	123.00	62.00	3
	10	55.00	45.00	123.00	45.00	2
	11	38.00	35.00	123.00	35.00	1

Failure Surface Specified By 42 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	10.00	11.00
2	12.00	11.06
3	14.00	11.17
4	15.99	11.35
5	17.98	11.58
6	19.95	11.87
7	21.92	12.22
8	23.88	12.63
9	25.83	13.10
10	27.76	13.62
11	29.67	14.20
12	31.56	14.84
13	33.44	15.54
14	35.29	16.28
15	37.13	17.09
16	38.93	17.95
17	40.71	18.86
18	42.47	19.82
19	44.19	20.83
20	45.88	21.90
21	47.54	23.01
22	49.17	24.18
23	50.76	25.39
24	52.32	26.65
25	53.83	27.95
26	55.31	29.30
27	56.75	30.69
28	58.14	32.12
29	59.49	33.60
30	60.80	35.11
31	62.06	36.66
32	63.28	38.25
33	64.45	39.88
34	65.56	41.53
35	66.63	43.22
36	67.65	44.94
37	68.62	46.69
38	69.54	48.47
39	70.40	50.28
40	71.21	52.11
41	71.96	53.96
42	72.16	54.49

Circle Center At X = 9.1 ; Y = 78.4 and Radius, 67.4

*** 1.256 ***

APPENDIX C

REINFORCED FILL/ROCKERY DESIGN CALCULATIONS

ANALYSIS: CALCULATED FACTORS (Static conditions)Bearing capacity, $F_s = 8.25$, Meyerhof stress = 1891 lb/ft².Foundation Interface: Direct sliding, $F_s = 1.975$, Eccentricity, $e/L = 0.1202$, F_s -overturning = 2.69

GEOTEXTILE				CONNECTION			Geotextile strength Fs	Pullout resistance Fs	Direct sliding Fs	Eccentricity e/L	Product name
#	Elevation [ft]	Length [ft]	Type #	Fs-overall [pullout resistance]	Fs-overall [connection break]	Fs-overall [geotextile strength]					
1	0.50	8.00	1	N/A	N/A	N/A	3.915	16.667	1.691	0.0935	Mirafi HP570
2	2.50	8.00	1	N/A	N/A	N/A	3.507	12.490	2.402	-0.0066	Mirafi HP570
3	4.50	8.00	1	N/A	N/A	N/A	4.509	12.379	5.601	-0.1079	Mirafi HP570
4	6.50	8.00	1	N/A	N/A	N/A	6.313	12.949	8.842	-0.1266	Mirafi HP570
5	8.50	8.00	1	N/A	N/A	N/A	7.891	13.113	18.343	-0.1493	Mirafi HP570

ANALYSIS: CALCULATED FACTORS (Seismic conditions)Bearing capacity, $F_s = 5.10$, Meyerhof stress = 2405 lb/ft².Foundation Interface: Direct sliding, $F_s = 1.485$, Eccentricity, $e/L = 0.2013$, F_s -overturning = 1.98

GEOTEXTILE				CONNECTION			Geotextile strength Fs	Pullout resistance Fs	Direct sliding Fs	Eccentricity e/L	Product name
#	Elevation [ft]	Length [ft]	Type #	Fs-overall [pullout resistance]	Fs-overall [connection break]	Fs-overall [geotextile strength]					
1	0.50	8.00	1	N/A	N/A	N/A	3.071	9.207	1.271	0.1660	Mirafi HP570
2	2.50	8.00	1	N/A	N/A	N/A	2.867	7.325	1.786	0.0371	Mirafi HP570
3	4.50	8.00	1	N/A	N/A	N/A	3.585	6.974	3.605	-0.0845	Mirafi HP570
4	6.50	8.00	1	N/A	N/A	N/A	4.785	6.812	5.691	-0.1160	Mirafi HP570
5	8.50	8.00	1	N/A	N/A	N/A	5.856	6.696	11.806	-0.1462	Mirafi HP570



TERRA ASSOCIATES, Inc.

Consultants in Geotechnical Engineering, Geology
and
Environmental Earth Sciences

October 7, 2013
Project No. T-6915-1

Mr. Wes Giesbrecht
MI 84th Limited Partnership
15080 North Bluff Road
White Rock, B.C. V4B5C1

Subject: Response to City of Mercer Island Review Comments
Coval Property
Mercer Island, Washington

References: 1. Letter, Notice of Incompleteness for File No. SUB13-009 – Coval Long Subdivision,
prepared by the City of Mercer Island, dated August 30, 2013
2. Geotechnical Report, Coval Property, Project No. T-6915, prepared by Terra Associates, Inc.,
dated June 15, 2006

Dear Mr. Giesbrecht:

As requested, we reviewed the referenced letter presenting review comments for the subject project by City of Mercer Island Development Services Group staff. Our responses to the review comments related to geotechnical issues are discussed below:

Land Use

Please submit to the City a revised geotechnical report that describes how the requirements for siting building pads in landslide hazard areas (per the criteria of Section 19.07.060(D) of the Mercer Island City Code (MICC)) are met.

As discussed in our referenced geotechnical report, the steep west-facing slope located near the western site margin meets criteria for a landslide hazard area (LHA) given in the Mercer Island Unified Land Development Code (ULDC). The localized slope area on the eastern side of the ravine near the north-central portion of the site is also considered a LHA based on slope height and inclination. As discussed in the geotechnical report, all steep slope areas at the site are stable.

A grading plan by PacLand dated October 4, 2013 shows 4 building lots (Lots 10 through 13) encroaching into the LHA along the western property margin. A building envelope and a proposed building pad elevation is given for each of the lots. The proposed pad elevations are Elev. 254 at Lot 10, and Elev. 250 for Lots 11 through 13. Based on existing topography shown on the plan, maximum excavation depths required to achieve these pad elevations will be about 10 to 12 feet at Lots 10 through 12, and about 6 feet at Lot 13. With the exception of minor fills on the eastern side of Lots 12 and 13, site grading on Lots 10 through 13 will consist entirely of cuts.

The grading plan indicates that the northern portion of Lot 16 and the northwestern corner of Lot 17 will encroach into the localized LHA in the north-central portion of the site. However, the grading plan indicates that much of the ravine will be filled with the northern extent of the fill supported by a retaining wall. The result of this grading is the elimination of the LHA on Lot 16.

Stability Analysis

We performed stability analyses using the computer program WINSTABL. The soil parameters used are shown on the attached analysis output text. These parameters are based on field and laboratory data, and our past experience with similar soils. Analyses of the slope were performed along section lines through Lots 10 through 13, identified on the attached Figure 1 as Section E-E' (Lot 10), Section B-B' (Lot 11), Section C-C' (Lot 12), and Section D-D' (Lot 13). Our analyses of these sections considered both static and pseudostatic (seismic) conditions for the existing slope, and for post development conditions with associated building loads applied across the proposed building envelope, and assuming a conservative, worst-case groundwater condition imposed by infiltration of roof downspout runoff at locations shown on the grading plan. Although downspout infiltration is not proposed on Lot 13, our analysis of Lot 13 Section D-D' includes a water surface similar to Sections B-B', C-C', and E-E'.

The pseudostatic analysis used a horizontal earthquake coefficient value of 0.15g to model ground motions expected from a severe earthquake. The seismic acceleration of 0.15g was based on current USGS seismic hazard maps for a seismic event having a 10 percent probability of exceedance in a 50-year period. The USGS map indicates the subject site is located within an area where the peak horizontal ground acceleration for this return period is expected to range between 0.25g and 0.3g. Our analysis considered a horizontal acceleration equal to one-half the maximum value of this range.

The lowest safety factors for each condition are presented in the following table:

Section Analyzed	Minimum Safety Factors	
	Static	Pseudostatic
Lot 10 E-E' existing	2.77	2.01
Lot 10 E-E' proposed	1.82	1.52
Lot 11 B-B' existing	2.68	2.05
Lot 11 B-B' proposed	1.80	1.50
Lot 12 C-C' existing	3.21	2.38
Lot 12 C-C' proposed	2.07	1.71
Lot 13 D-D' existing	2.82	2.17
Lot 13 D-D' proposed	1.77	1.47

The results of the stability analyses indicate that existing and proposed slopes are stable with respect to deep-seated failure under both static and severe seismic loading conditions. The output data of our stability analysis is attached.

Potential impacts to the LHAs due to the planned building locations include increasing the erosion potential on and/or adjacent the slope by exposing soils during grading incidental to building construction, and impacts to slope stability from building surcharges. In addition, natural weathering and downslope movement of soil due to surficial creep can result in soil loss from beneath and/or adjacent building foundations, which may impact the stability of buildings.

In our opinion, potential erosion and sedimentation impacts to the LHAs due to the planned building locations will be eliminated or significantly reduced by applying Best Management Practices (BMPs) for erosion prevention sedimentation containment.

These would include, but are not limited to the following items:

Prevention

- Limit site clearing and grading activities to the relatively dry months (typically May through September).
- Limit disturbance to areas where construction is imminent.
- Provide temporary cover for cut slopes and soil stockpiles during periods of inactivity. Temporary cover may consist of durable plastic sheeting that is securely anchored to the ground surface or straw mulch.
- Establish permanent cover over exposed areas that will not be disturbed for a period of 30 days or more by seeding, in conjunction with a mulch cover or appropriate hydroseeding.

Containment

- Install a silt fence along the downgradient margins of the work area. The silt fence should be in place before clearing and grading is initiated.
- Construct shallow drainage swales to intercept surface water flow and route the flow away from the construction area to a stabilized discharge point. Surface water must not discharge at the top or onto the face of the steep slope.

Potential impacts to the stability of the steep slope due to building surcharges, and potential impacts to the buildings due to loss of shallow soil support, will be mitigated by lowering the building foundations to maintain a 15-foot lateral separation between the foundation and the slope face. The proposed grading in the building areas will remove a significant volume of material from the top of the slope, resulting in a net reduction of soil load imposed on the slope and; therefore, improving slope stability. Improved site drainage associated with the yard areas will also positively affect slope stability.

The provisions of MICC Section 19.07.060(D) allows alteration of geologic hazard areas if it is demonstrated to the satisfaction of the code official that the alteration does not adversely impact other critical areas; will not adversely impact the subject property or adjacent properties; and will mitigate impacts to the geologic hazard area consistent with best available science to the maximum extent reasonably possible such that the site is determined to be safe. Based on our understanding of existing site conditions, the proposed project, and provided the recommendations for mitigation of potential impacts contained herein and in our referenced geotechnical report are applied, it is our opinion that the proposed development and alteration of on-site LHAs will not impact the stability of the site or adjacent properties during or after site development.

Building

The geotechnical report by Terra Associates, dated July 29th, 2013, should include a more detailed analysis of the west slope with more information about the proposed cuts, the anticipated building loads on the slope, the potential impacts of water on the slope, and specifically address the following:

- a. **The slope stability analyses within the report do not appear to include an analysis of the impact of the new loading from the new structures. Although there is mention of cutting along the west side which might compensate for some of the new loading, this has not clarified within the analysis and the only detail depicts cuts up to 12 feet, which account for about 1500 p.s.f. but less than the 2 to 3 kips per foot anticipated for the bearing walls. The analysis should address the anticipated net new loading within the stability analyses.**

The models used for our stability analyses are based on existing topography, proposed building envelopes, and proposed building pad elevations shown on the current grading plan provided by PacLand. All of the sections included analysis of the proposed conditions including a building load of 2,500 psf conservatively applied the full extent of the building envelope. The results of the analyses yielded safety factors against instability that are higher than the minimum safety factors considered acceptable for stable slopes by local engineering practice (S.F.=1.5 Static, S.F.=1.1 Pseudostatic).

- b. **The report recommends a minimum foundation embedment such that the outside edge of the foundation is a minimum of 15 feet from the face of the slope (which seems appropriate). Based on the topographic information shown in Figure 3, this would require an approximate 9 foot foundation embedment. The report should include more discussion on how this embedment will be accomplished (as this might require substantial excavations within the building footprint).**

In our opinion, lowering structural support for the buildings to provide a minimum 15-foot lateral separation between the foundation and the face of the steep slope could be accomplished using an open excavation for construction of conventional spread footing foundations. A suitable alternative to obtain the required foundation depth would be to support a portion of the structure using drilled piers.

We understand that buildings constructed on Lots 10 through 13 will likely have daylight basements and that the buildings will not extend to the west margin of the building envelope. Excavation depths required to achieve the lower floor levels would extend 6 to 8 feet below main floor pad elevations, with footing excavations extending another 12 to 18 inches deeper. With these basement excavation depths, we anticipate that the need for localized deep excavation specifically for foundation construction would be eliminated. Additionally, with the excavations not extending to the west margin of the building envelope, we expect that sufficient room would be available to slope the excavations to the temporary inclination recommended in our referenced geotechnical report.

- c. Per the report more study is required in regard to infiltration on the west side and this study should be included at this time (as it potentially could introduce water into the stability analyses, possible ponding water on the siltier layers within the slope, etc.).**

We investigated subsurface conditions at the proposed locations of the downspout infiltration trenches on Lots 10 through 13 by excavating 4 test pits to a maximum depth about 9 feet below existing surface grades using a track-mounted excavator. The locations of the test pits are shown on Figure 1. The Test Pit Logs are attached.

The soils observed in the test pits generally consist of dense, weakly cemented silty sand with varying amounts of gravel overlying dense, fine sand with silt containing scattered weakly cemented seams and traces of discontinuous iron-oxide stained partings. We did not observe groundwater seepage or indications of a prominent seasonally-fluctuating groundwater condition in any of the test pits.

Based on the conditions we observed in the test pits and the results of grain size analysis, it is our opinion that conditions observed below depths of about five to eight feet in Test Pits TP-1 through TP-3 are generally favorable for infiltration of roof downspout runoff. Based on our observation of existing surface grades and surface drainage features at the site, it appears that the primary direction of shallow groundwater flow in the areas of the proposed infiltration trenches on Lots 10 through 13 would be to the east-northeast and away from the steep slope.

The upper approximately 5 feet of Test Pit TP-4 on Lot 13 consists of dense, weakly-cemented, till-like silty sand with gravel to sand with silt and gravel. The dense, weakly-cemented, fine-grained nature of this soil unit is not favorable for infiltration. Subsurface conditions observed below a depth of about 5 feet in Test Pit TP-4 also do not appear favorable for infiltration due to the presence of weakly cemented seams and layers which can significantly reduce the ability of the soil to infiltrate, and the presence of mottling, which is an indication of seasonal fluctuations in the moisture content of the soil.

Our models used for the stability analyses included a very conservative piezometric surface established at the upper elevation of soil units observed in Test Pits TP-1 through TP-3 that appear favorable for infiltration. This water surface was extended west to the face of the steep slope, then down to the toe of the slope. As discussed, adequate safety factors exist for this conservative, worst-case condition.

The report recommends placing drainage mat at the base of the ravine before filling it in. Please specify anticipated flows with an analysis that substantiates the adequacy of the drainage mat (vs. culvert, etc.).

The sub-fill drainage recommended in our referenced geotechnical report is not intended to convey a known or anticipated flow volume. The sole purpose of the drainage is to provide a means for unrestricted migration of water that may accumulate beneath the fill due to natural seeps or springs that may exist during the wet winter months, and to retain the hydraulic continuity of any shallow groundwater flow along the drainage corridor.

We did not observe any indications of surface water flow in the ravine at the time of our study; however, runoff from areas located south of the site discharges from a 12-inch diameter corrugated plastic pipe to the head of the natural swale/ravine near the south property margin. The grading plan indicates that water discharging from this pipe will be collected and conveyed to the current point of discharge at the north property margin using a system of pipes and swales.

Engineering

The additional geotechnical study will be required to determine the feasibility of the infiltration/bioretention systems for Lots 9-14, Lot 1-2 and Lots 17-18. Currently, only one soil log is done at the south west corner of Lot 1. You will need to have a minimum of one soils log for every 50 feet of the trench length per lot.

We investigated shallow subsurface conditions at 6 potential bioretention areas shown on a Preliminary Grading and Drainage Plan by PacLand dated July 26, 2013 by hand excavating test holes to a maximum depth of about 3 feet below existing surface grades. The locations of the test holes are shown on Figure 1. The Test Hole Logs are attached.

The soils observed in the test holes generally consist of dense silty fine sand to fine sandy silt with varying amounts of gravel. We did not observe groundwater seepage in the test holes; however we did observe scattered mottling. Volume III, Section 3.1.1 (Downspout Infiltration Systems) of the Washington State Department of Ecology (DOE) *Stormwater Management Manual for Western Washington (SMMWW)* dated February 2005 states that downspout infiltration is considered feasible if more than three feet of permeable soil exists between the ground surface and the seasonal high groundwater table. The site soils do not meet this requirement as we observed mottling of the soils at all six test hole locations.

The grading plan on Figure 1 shows the five currently proposed infiltration trench locations. Because our field work was completed before this plan was available, a test hole was not excavated at the trench location shown on Lot 2. However, considering the shallow soil conditions observed in our hand-excavated test holes are fairly consistent, we expect that similar conditions exist in the upper two to three feet of soil at the proposed infiltration trench location on Lot 2.

In our opinion, the soils observed below depths of about 5 to 8 feet in Test Pits TP-1 through TP-3 (Lots 10 through 12), and the soils observed between about 6 and 12 feet in Boring B-4 in the vicinity of Lots 1 and 2 in the northeastern portion of the site would support infiltration of roof downspout runoff. Based on our study, we anticipate that conditions favorable for roof downspout infiltration similar to those observed between depths of about 6 and 12 feet in Boring B-4 exist in the areas of Lots 1 and 2; however, this should be verified prior to final design.

Limitations

We prepared this report in accordance with generally accepted geotechnical engineering practices. No other warranty, expressed or implied, is made. This report is the copyrighted property of Terra Associates, Inc. and is intended for specific application to the Coval Property project. This report is for the exclusive use of MI 84th Limited Partnership and its authorized representatives. No other warranty, expressed or implied, is made.

Mr. Wes Giesbrecht
October 7, 2013

The analyses and recommendations presented in this report are based on data obtained from our on-site test pits. Variations in soil conditions can occur, the nature and extent of which may not become evident until construction. If variations appear evident, Terra Associates, Inc. should be requested to reevaluate the recommendations in this report prior to proceeding with construction.

We trust the information presented is sufficient for your current needs. If you have any questions or require additional information, please call.

Sincerely yours,
TERRA ASSOCIATES, INC.


John C. Sadler, L.E.G., L.H.G.
Project Manager


Theodore J. Schepper, P.E.
President

10/7/13

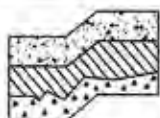
Encl: Figure 1 – Exploration Location Plan
Figure 2 – Unified Soil Classification System
Figures 3 through 12 – Test Pit Logs and Test Hole Logs
Figures 13 through 15 – Grain Size Analysis
WinStabl Output Data – Lot 10 Section E-E'
WinStabl Output Data – Lot 11 Section B-B'
WinStabl Output Data – Lot 12 Section C-C'
WinStabl Output Data – Lot 13 Section D-D'

cc: Mr. Scott Borgeson, PacLand

MAJOR DIVISIONS			LETTER SYMBOL	TYPICAL DESCRIPTION
COARSE GRAINED SOILS More than 50% material larger than No. 200 sieve size	GRAVELS More than 50% of coarse fraction is larger than No. 4 sieve	Clean Gravels (less than 5% fines)	GW	Well-graded gravels, gravel-sand mixtures, little or no fines.
			GP	Poorly-graded gravels, gravel-sand mixtures, little or no fines.
		Gravels with fines	GM	Silty gravels, gravel-sand-silt mixtures, non-plastic fines.
			GC	Clayey gravels, gravel-sand-clay mixtures, plastic fines.
	SANDS More than 50% of coarse fraction is smaller than No. 4 sieve	Clean Sands (less than 5% fines)	SW	Well-graded sands, sands with gravel, little or no fines.
			SP	Poorly-graded sands, sands with gravel, little or no fines.
		Sands with fines	SM	Silty sands, sand-silt mixtures, non-plastic fines.
			SC	Clayey sands, sand-clay mixtures, plastic fines.
FINE GRAINED SOILS More than 50% material smaller than No. 200 sieve size	SILTS AND CLAYS Liquid Limit is less than 50%		ML	Inorganic silts, rock flour, clayey silts with slight plasticity.
			CL	Inorganic clays of low to medium plasticity. (Lean clay)
			OL	Organic silts and organic clays of low plasticity.
	SILTS AND CLAYS Liquid Limit is greater than 50%		MH	Inorganic silts, elastic.
			CH	Inorganic clays of high plasticity. (Fat clay)
			OH	Organic clays of high plasticity.
	HIGHLY ORGANIC SOILS			PT

DEFINITION OF TERMS AND SYMBOLS

COHESIONLESS	<u>Density</u>	<u>Standard Penetration Resistance in Blows/Foot</u>	I	2" OUTSIDE DIAMETER SPILT SPOON SAMPLER
	Very Loose	0-4	II	2.4" INSIDE DIAMETER RING SAMPLER OR SHELBY TUBE SAMPLER
COHESIVE	Loose	4-10	▼	WATER LEVEL (Date)
	Medium Dense	10-30	Tr	TORVANE READINGS, tsf
COHESIVE	Dense	30-50	Pp	PENETROMETER READING, tsf
	Very Dense	>50	DD	DRY DENSITY, pounds per cubic foot
COHESIVE	<u>Consistency</u>	<u>Standard Penetration Resistance in Blows/Foot</u>	LL	LIQUID LIMIT, percent
	Very Soft	0-2	PI	PLASTIC INDEX
COHESIVE	Soft	2-4	N	STANDARD PENETRATION, blows per foot
	Medium Stiff	4-8		
COHESIVE	Stiff	8-16		
	Very Stiff	16-32		
COHESIVE	Hard	>32		



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Environmental Earth Sciences

UNIFIED SOIL CLASSIFICATION SYSTEM
COVAL PROPERTY
MERCER ISLAND, WASHINGTON

Proj. No. T-6915-1

Date OCT 2013

Figure 2

LOG OF TEST PIT NO. 1

FIGURE 3

PROJECT NAME: Coval Property PROJ. NO: T-6915-1 LOGGED BY: JCS
 LOCATION: Mercer Island SURFACE CONDS: Lawn APPROX. ELEV: 258.0 Feet
 DATE LOGGED: September 12, 2013 DEPTH TO GROUNDWATER: N/A DEPTH TO CAVING: N/A

DEPTH (FT.)	SAMPLE NO.	DESCRIPTION	CONSISTENCY/ RELATIVE DENSITY	W (%)	POCKET PEN. (TSF)	REMARKS
1		(2 inches SOD and TOPSOIL) Brown SAND with silt and gravel, moist, numerous roots. (SP-SM)	Medium Dense	5.9		
2		Light gray silty SAND to silty SAND with gravel, dry to moist, weakly cemented, 1.5-foot diameter boulder at about 4 feet. (SM)				
3			Dense			
4				6.2		
5						
6		Light gray-brown fine SAND with silt to silty fine SAND, moist, trace of iron-oxide stringers and fine roots. (SP-SM/SM)		7.0		
7			Medium Dense to Dense			
8				8.7		
9				15.3		
10		Test pit terminated at 9 feet. No groundwater seepage.				

NOTE: This subsurface information pertains only to this test pit location and should not be interpreted as being indicative of other locations at the site.



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LOG OF TEST PIT NO. 2

FIGURE 4

PROJECT NAME: Coval Property PROJ. NO: T-6915-1 LOGGED BY: JCS
 LOCATION: Mercer Island SURFACE CONDS: Lawn APPROX. ELEV: 254.0 Feet
 DATE LOGGED: September 12, 2013 DEPTH TO GROUNDWATER: N/A DEPTH TO CAVING: N/A

DEPTH (FT.)	SAMPLE NO.	DESCRIPTION	CONSISTENCY/ RELATIVE DENSITY	W (%)	POCKET PEN. (TSF)	REMARKS
1		(7 inches SOD and TOPSOIL) Brown SAND with silt and gravel, moist, numerous roots. (SP-SM)	Medium Dense			
2		Light gray silty SAND with gravel, dry to moist, weakly cemented, scattered cobbles. (SM)				
3						
4						
5			Dense			
6						
7		Light gray-brown fine SAND to fine SAND with silt, moist, scattered weakly-cemented seams, trace of iron-oxide stringers. (SP/SP-SM)		6.2		
8				6.3		
9				7.3		
10		Test pit terminated at 9 feet. No groundwater seepage.				

NOTE: This subsurface information pertains only to this test pit location and should not be interpreted as being indicative of other locations at the site.



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LOG OF TEST PIT NO. 3

FIGURE 5

PROJECT NAME: Coval Property PROJ. NO: T-6915-1 LOGGED BY: JCS
 LOCATION: Mercer Island SURFACE CONDS: _____ APPROX. ELEV: 250.0 Feet
 DATE LOGGED: September 12, 2013 DEPTH TO GROUNDWATER: N/A DEPTH TO CAVING: N/A

DEPTH (FT.)	SAMPLE NO.	DESCRIPTION	CONSISTENCY/ RELATIVE DENSITY	W (%)	POCKET PEN. (TSF)	REMARKS
1		(6 inches SOD and TOPSOIL) Brown SAND with silt and gravel, moist, numerous roots. (SP-SM)	Medium Dense			
2						
3		Light gray silty SAND with gravel, dry to moist, weakly cemented, scattered cobbles. (SM)				
4						
5						
6		Brown slightly gravelly fine SAND to slightly gravelly fine SAND with silt, moist, trace of mottling. (SP/SP-SM)	Dense	5.1		
7						
8		Light brown fine SAND to fine SAND with silt, moist. (SP/SP-SM)		6.0		
9						
10		Test pit terminated at 9 feet. No groundwater seepage.				

NOTE: This subsurface information pertains only to this test pit location and should not be interpreted as being indicative of other locations at the site.



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LOG OF TEST PIT NO. 4

FIGURE 6

PROJECT NAME: Coval Property PROJ. NO: T-6915-1 LOGGED BY: JCS
 LOCATION: Mercer Island SURFACE CONDS: Brush APPROX. ELEV: 248.0 Feet
 DATE LOGGED: September 12, 2013 DEPTH TO GROUNDWATER: N/A DEPTH TO CAVING: N/A

DEPTH (FT.)	SAMPLE NO.	DESCRIPTION	CONSISTENCY/ RELATIVE DENSITY	W (%)	POCKET PEN. (TSF)	REMARKS
1		(12 inches DUFF and TOPSOIL) Light gray silty SAND with gravel to SAND with silt and gravel, dry to moist, numerous roots to about 2.5 feet. (SM/SP-SM) (Till- like)				
2						
3						
4			Dense			
5		Light gray-brown fine SAND with silt to silty fine SAND, moist, scattered weakly-cemented seams and layers, trace of mottling and iron-oxide stringers. (SP-SM/SM)		7.6		
6						
7						
8				7.4		
9		Test pit terminated at 9 feet. No groundwater seepage.				
10						

NOTE: This subsurface information pertains only to this test pit location and should not be interpreted as being indicative of other locations at the site.



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LOG OF HAND HOLE NO. TH-1

FIGURE 7

PROJECT NAME: Coyal Property PROJ. NO: T-6915-1 LOGGED BY: JCS
 LOCATION: Mercer Island, Washington SURFACE CONDS: Lawn APPROX. ELEV: 245 Feet
 DATE LOGGED: September 12, 2013 DEPTH TO GROUNDWATER: N/A DEPTH TO CAVING: N/A

DEPTH (FT.)	SAMPLE NO.	DESCRIPTION	CONSISTENCY/ RELATIVE DENSITY	W (%)	POCKET PEN. (TSF)	REMARKS
1		(2 inches SOD and TOPSOIL) Gray-brown silty fine SAND with gravel to fine sandy SILT with gravel, moist, scattered mottling. (SM/ML)	Medium Dense			
2			to Dense			
3		Test hole terminated at 2.5 feet. No groundwater seepage.				

NOTE: This subsurface information pertains only to this test pit location and should not be interpreted as being indicative of other locations at the site.



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LOG OF HAND HOLE NO. TH-2

FIGURE 8

PROJECT NAME: Coval Property PROJ. NO: T-6915-1 LOGGED BY: JCS
 LOCATION: Mercer Island, Washington SURFACE CONDS: Yard/Driveway APPROX. ELEV: 240 Feet
 DATE LOGGED: September 12, 2013 DEPTH TO GROUNDWATER: N/A DEPTH TO CAVING: N/A

DEPTH (FT.)	SAMPLE NO.	DESCRIPTION	CONSISTENCY/ RELATIVE DENSITY	W (%)	POCKET PEN. (TSF)	REMARKS
1		(3 inches SOD and TOPSOIL) Gray-brown silty fine SAND with gravel to fine sandy SILT with gravel, moist, scattered mottling. (SM/ML)				
2			Dense			
3		Test hole terminated at 3 feet. No groundwater seepage.				

NOTE: This subsurface information pertains only to this test pit location and should not be interpreted as being indicative of other locations at the site.



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LOG OF HAND HOLE NO. TH-3

FIGURE 9

PROJECT NAME: Coval Property PROJ. NO: T-6915-1 LOGGED BY: JCS
 LOCATION: Mercer Island, Washington SURFACE CONDS: Yard APPROX. ELEV: 240 Feet
 DATE LOGGED: September 12, 2013 DEPTH TO GROUNDWATER: N/A DEPTH TO CAVING: N/A

DEPTH (FT.)	SAMPLE NO.	DESCRIPTION	CONSISTENCY/ RELATIVE DENSITY	W (%)	POCKET PEN. (TSF)	REMARKS
1		Gray-brown silty fine SAND with gravel to fine sandy SILT with gravel, moist, scattered mottling. (SM/ML)	Dense			
2						
3		Test hole terminated at 3 feet. No groundwater seepage.				

NOTE: This subsurface information pertains only to this test pit location and should not be interpreted as being indicative of other locations at the site.



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LOG OF HAND HOLE NO. TH-4

FIGURE 10

PROJECT NAME: Coval Property PROJ. NO: T-6915-1 LOGGED BY: JCS
 LOCATION: Mercer Island, Washington SURFACE CONDS: Yard APPROX. ELEV: 244 Feet
 DATE LOGGED: September 12, 2013 DEPTH TO GROUNDWATER: N/A DEPTH TO CAVING: N/A

DEPTH (FT.)	SAMPLE NO.	DESCRIPTION	CONSISTENCY/ RELATIVE DENSITY	W (%)	POCKET PEN. (TSF)	REMARKS
1		(3 inches SOD and TOPSOIL) Gray-brown silty fine SAND with gravel to fine sandy SILT with gravel, moist, scattered mottling. (SM/ML)	Dense			
2		Test hole terminated at 2 feet. No groundwater seepage.				
3						

NOTE: This subsurface information pertains only to this test pit location and should not be interpreted as being indicative of other locations at the site.



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LOG OF HAND HOLE NO. TH-5

FIGURE 11

PROJECT NAME: Coval Property PROJ. NO: T-6915-1 LOGGED BY: JCS
 LOCATION: Mercer Island, Washington SURFACE CONDS: Lawn APPROX. ELEV: 242 Feet
 DATE LOGGED: September 12, 2013 DEPTH TO GROUNDWATER: N/A DEPTH TO CAVING: N/A

DEPTH (FT.)	SAMPLE NO.	DESCRIPTION	CONSISTENCY/ RELATIVE DENSITY	W (%)	POCKET PEN. (TSF)	REMARKS
1		(3 inches SOD and TOPSOIL) Gray-brown silty fine SAND with gravel to fine sandy SILT with gravel, moist, scattered mottling. (SM/ML)				
2			Dense			
3		Test hole terminated at 2.5 feet. No groundwater seepage.				

NOTE: This subsurface information pertains only to this test pit location and should not be interpreted as being indicative of other locations at the site.



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LOG OF HAND HOLE NO. TH-6

FIGURE 12

PROJECT NAME: Coval Property PROJ. NO: T-6915-1 LOGGED BY: JCS
 LOCATION: Mercer Island, Washington SURFACE CONDS: Lawn APPROX. ELEV: 233 Feet
 DATE LOGGED: September 12, 2013 DEPTH TO GROUNDWATER: N/A DEPTH TO CAVING: N/A

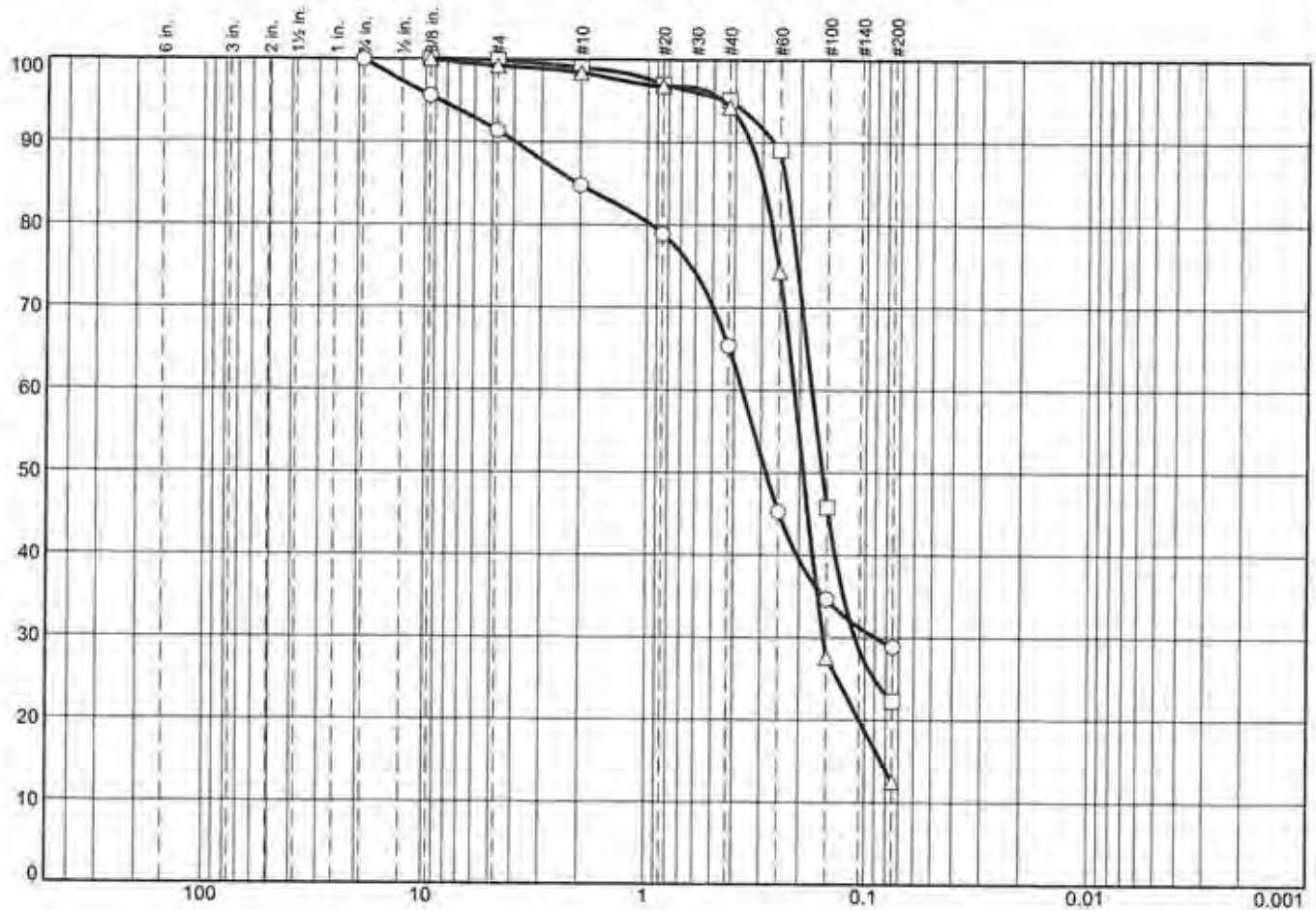
DEPTH (FT.)	SAMPLE NO.	DESCRIPTION	CONSISTENCY/ RELATIVE DENSITY	W (%)	POCKET PEN. (TSF)	REMARKS
1		Brown to gray-brown silty fine SAND with gravel to fine sandy SILT with gravel, moist, scattered mottling. (SM/ML)				
2			Dense			
3		Test hole terminated at 2.5 feet. No groundwater seepage.				

NOTE: This subsurface information pertains only to this test pit location and should not be interpreted as being indicative of other locations at the site.



**Terra
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 Consultants in Geotechnical Engineering,
 Geology and
 Environmental Earth Sciences

PERCENT FINER

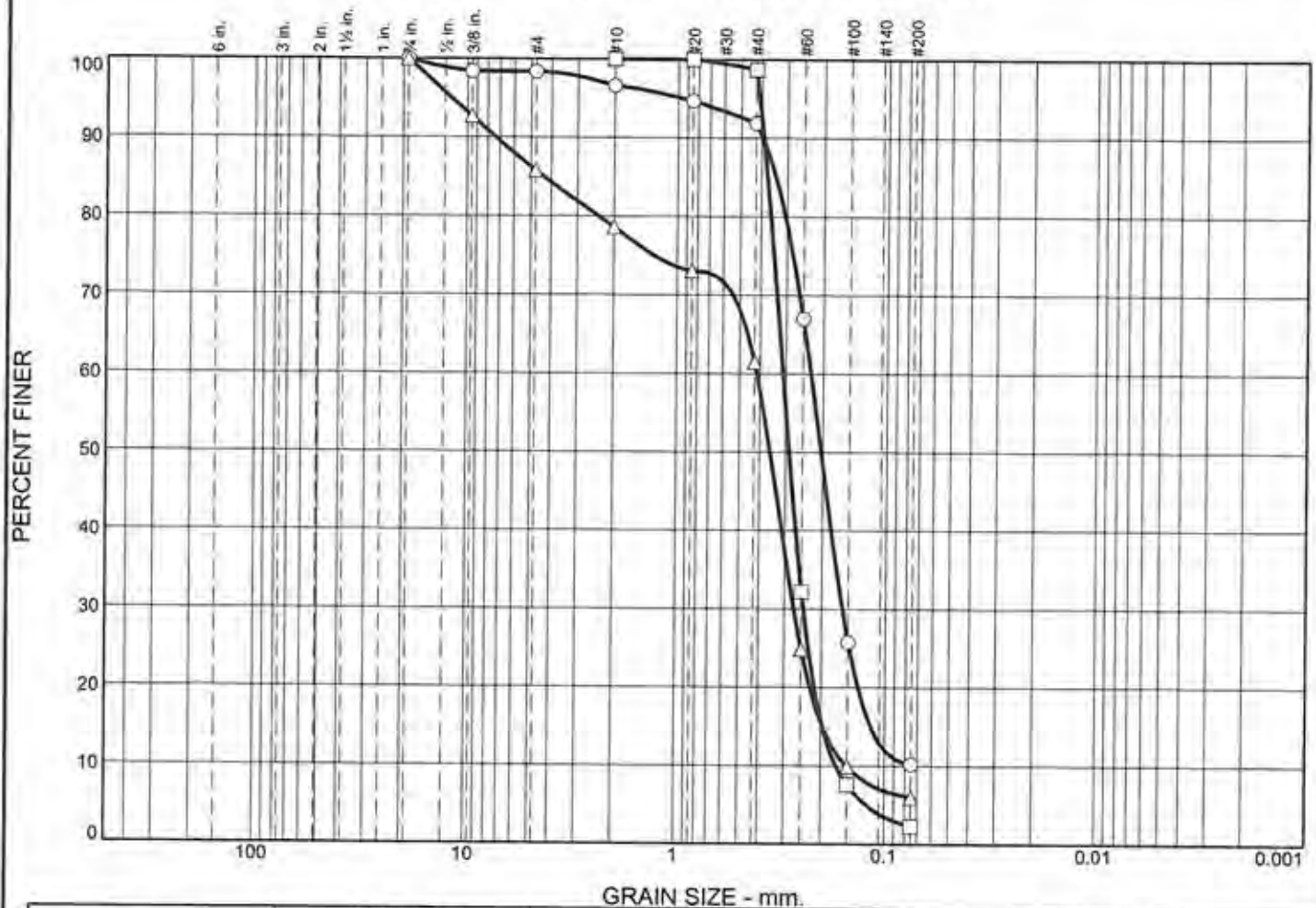


GRAIN SIZE - mm.										
% +3"		% Gravel		% Sand			% Fines			
		Coarse	Fine	Coarse	Medium	Fine	Silt		Clay	
<input type="radio"/>	0.0	0.0	8.6	6.6	19.4	36.5	28.9			
<input type="checkbox"/>	0.0	0.0	0.1	0.9	3.9	72.8	22.3			
<input type="checkbox"/>	0.0	0.0	0.8	0.8	4.1	81.8	12.5			
<input type="checkbox"/>	LL	PL	D ₈₅	D ₆₀	D ₅₀	D ₃₀	D ₁₅	D ₁₀	C _c	C _u
<input type="radio"/>			2.0604	0.3669	0.2853	0.0891				
<input type="checkbox"/>			0.2343	0.1765	0.1580	0.1112				
<input type="checkbox"/>			0.2980	0.2126	0.1923	0.1549	0.0841			
Material Description								USCS	AASHTO	
<input type="radio"/> silty SAND								SM		
<input type="checkbox"/> silty SAND								SM		
<input type="checkbox"/> silty SAND								SM		
Project No. T-6915-1 Client: MI 84th Limited Partnership							Remarks: <input type="radio"/> Tested 9-25-13 <input type="checkbox"/> Tested 9-25-13 <input type="checkbox"/> Tested 9-25-13			
Project: Coval Property										
<input type="radio"/> Location: TP-1 Depth: 4'										
<input type="checkbox"/> Location: TP-1 Depth: 5.5'										
<input type="checkbox"/> Location: TP-1 Depth: 8'										
Terra Associates, Inc.										
Kirkland, WA							Figure 13			

Figure 13

Tested By: FQ

Particle Size Distribution Report



GRAIN SIZE - mm.									
	% +3"	% Gravel		% Sand			% Fines		
		Coarse	Fine	Coarse	Medium	Fine	Silt	Clay	
○	0.0	0.0	1.6	1.8	4.7	81.7	10.2		
□	0.0	0.0	0.0	0.0	1.3	96.4	2.3		
△	0.0	0.0	14.2	7.2	17.1	55.5	6.0		
×	LL	PL	D ₈₅	D ₆₀	D ₅₀	D ₃₀	D ₁₅	D ₁₀	C _c
○			0.3412	0.2289	0.2038	0.1597	0.1167		
□			0.3731	0.3105	0.2890	0.2446	0.1972	0.1700	1.13
△			4.3418	0.4136	0.3556	0.2712	0.1971	0.1512	1.18

Material Description							USCS	AASHTO
○ SAND with silt							SP-SM	
□ SAND							SP	
△ SAND with silt							SP-SM	

Project No. T-6915-1 Client: MI 84th Limited Partnership
Project: Coval Property

○ Location: TP-2 Depth: 6.5'
□ Location: TP-2 Depth: 8'
△ Location: TP-3 Depth: 5.5'

Terra Associates, Inc.

Kirkland, WA

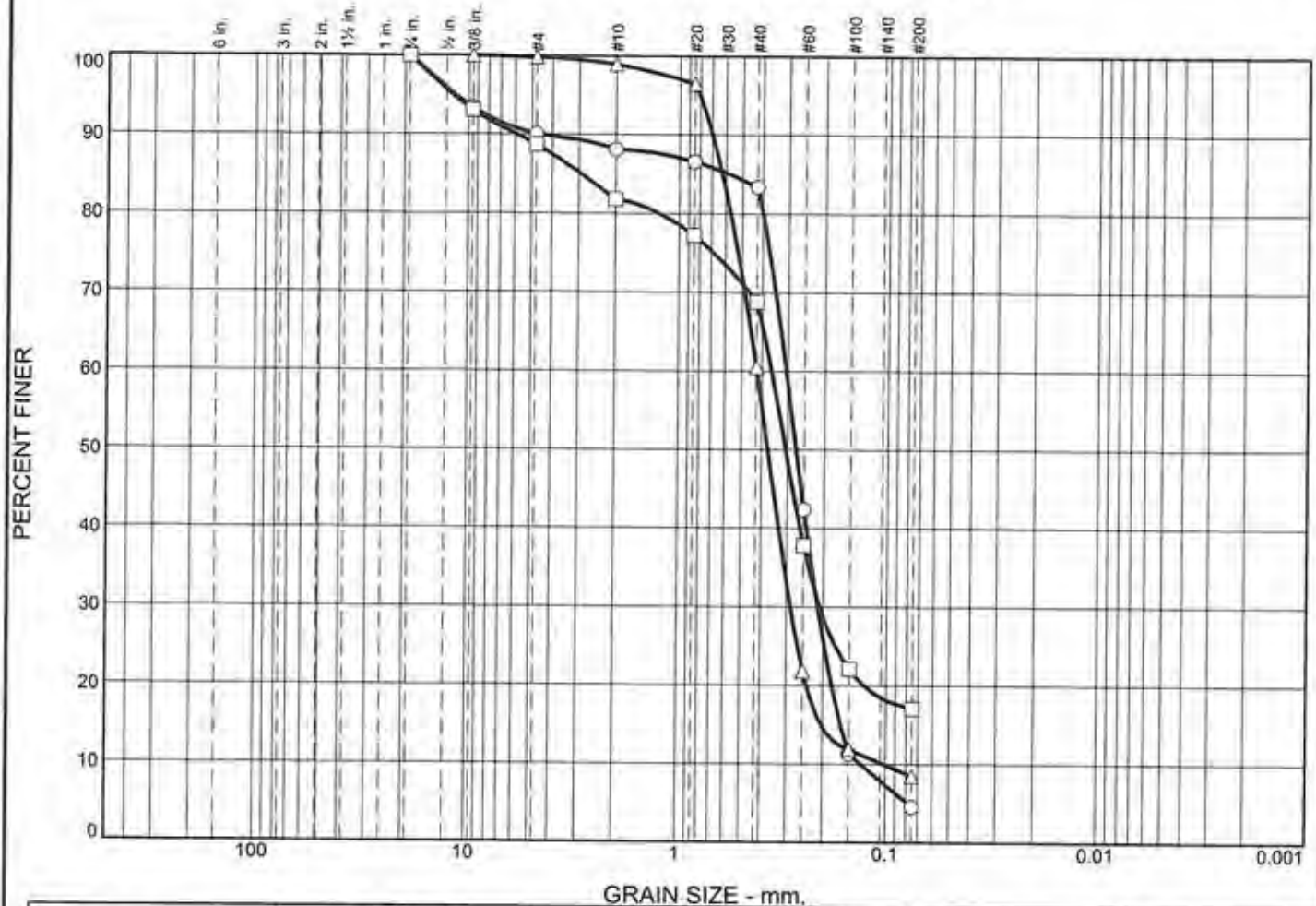
Remarks:

○ Tested 9-25-13
□ Tested 9-25-13
△ Tested 9-25-13

Figure 14

Tested By: FQ

Particle Size Distribution Report



	% +3"		% Gravel		% Sand			% Fines	
			Coarse	Fine	Coarse	Medium	Fine	Silt	Clay
○	0.0		0.0	9.9	2.0	4.7	78.8	4.6	
□	0.0		0.0	11.3	6.9	13.0	51.7	17.1	
△	0.0		0.0	0.2	0.9	38.4	52.0	8.5	
×	LL	PL	D ₈₅	D ₆₀	D ₅₀	D ₃₀	D ₁₅	D ₁₀	C _c
○			0.5733	0.3064	0.2733	0.2126	0.1643	0.1311	1.12
□			2.9200	0.3594	0.3067	0.2086			2.34
△			0.6248	0.4222	0.3725	0.2874	0.2039	0.1018	1.92
Material Description								USCS	AASHTO
○ SAND with silt								SP-SM	
□ silty SAND								SM	
△ SAND with silt								SP-SM	

Project No. T-6915-1 **Client:** MI 84th Limited Partnership
Project: Coval Property

○ **Location:** TP-3 **Depth:** 8'
 □ **Location:** TP-4 **Depth:** 5.5'
 △ **Location:** TP-4 **Depth:** 8'

Terra Associates, Inc.

Kirkland, WA

Remarks:

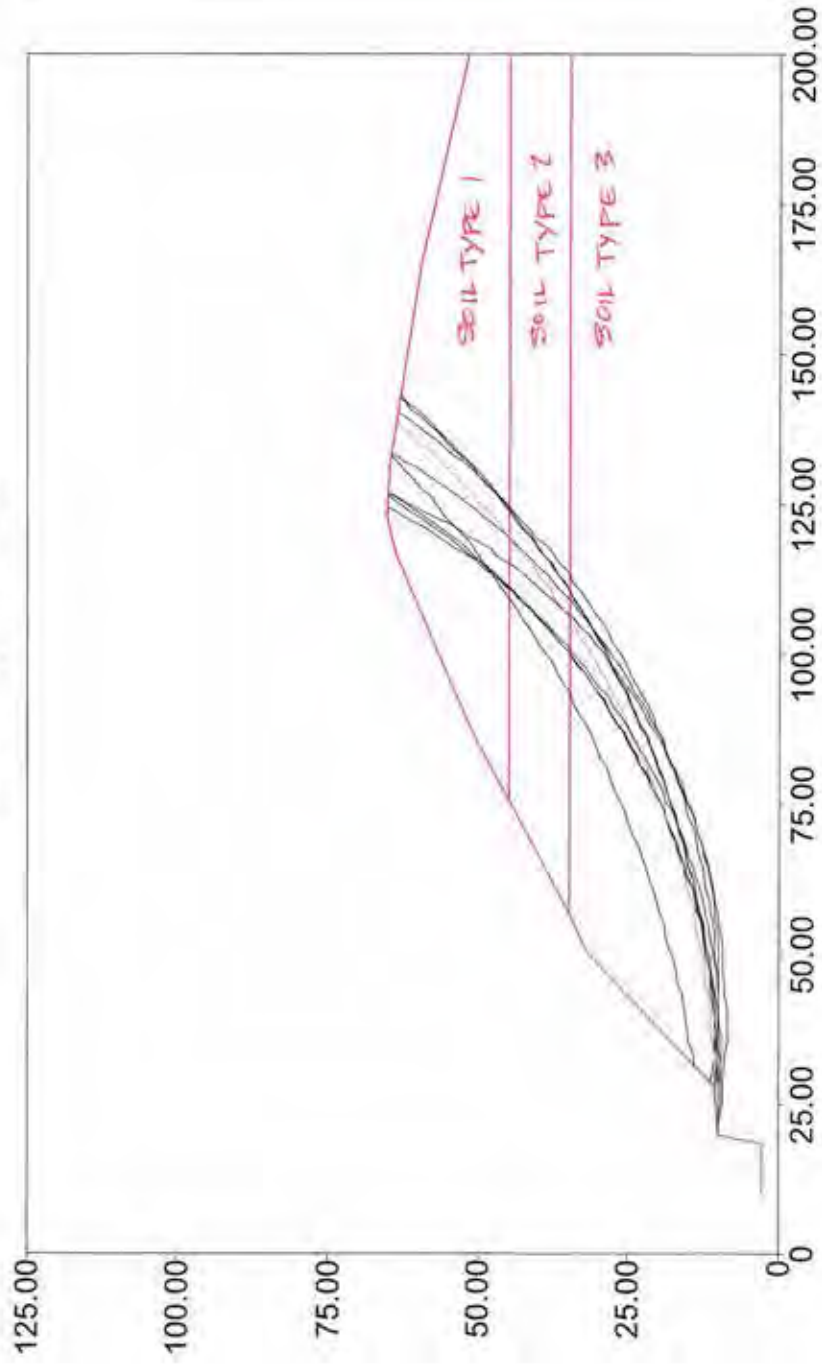
○ Tested 9-25-13
 □ Tested 9-25-13
 △ Tested 9-25-13

Figure 15

Tested By: FQ

WINSTABL OUTPUT

Lot 10 E-E (Exist Static)



Safety Factors

2.77
2.79
2.82
2.82
2.83
2.84
2.84
2.85
2.86
2.86

** PCSTABL6 **

by
Purdue University

modified by
Peter J. Bosscher
University of Wisconsin-Madison

--Slope Stability Analysis--
Simplified Janbu, Simplified Bishop
or Spencer's Method of Slices

PROBLEM DESCRIPTION Lot 10 E-E (Exist Static)

BOUNDARY COORDINATES

13 Top Boundaries
15 Total Boundaries

Type	Boundary	X-Left	Y-Left	X-Right	Y-Right	Soil
Bnd	No.	(ft)	(ft)	(ft)	(ft)	Below
	1	10.00	3.00	18.50	3.00	3
	2	18.50	3.00	20.00	10.00	3
	3	20.00	10.00	28.00	11.00	3
	4	28.00	11.00	50.50	32.00	3
	5	50.50	32.00	57.00	35.00	3
	6	57.00	35.00	76.00	45.00	2
	7	76.00	45.00	85.00	50.00	1
	8	85.00	50.00	94.00	54.00	1
	9	94.00	54.00	117.00	64.00	1
	10	117.00	64.00	123.00	65.50	1
	11	123.00	65.50	132.00	65.00	1
	12	132.00	65.00	166.00	59.50	1
	13	166.00	59.50	200.00	52.00	1
	14	76.00	45.00	200.00	45.00	2
	15	57.00	35.00	200.00	35.00	3

ISOTROPIC SOIL PARAMETERS

3 Type(s) of Soil

Piez. Surface No.	Soil Type No.	Total Unit Wt. (pcf)	Saturated Unit Wt. (pcf)	Cohesion Intercept (psf)	Friction Angle (deg)	Pore Pressure Param.	Pressure Constant (psf)
0	1	125.0	125.0	100.0	34.0	0.00	0.0
0	2	120.0	120.0	100.0	34.0	0.00	0.0
0	3	110.0	110.0	1500.0	32.0	0.00	0.0

A Critical Failure Surface Searching Method, Using A Random Technique For Generating Circular Surfaces, Has Been Specified.

100 Trial Surfaces Have Been Generated.

10 Surfaces Initiate From Each Of 10 Points Equally Spaced Along The Ground Surface Between X = 20.00 ft.
and X = 33.00 ft.

Each Surface Terminates Between X = 76.00 ft.
and X = 150.00 ft.

Unless Further Limitations Were Imposed, The Minimum Elevation At Which A Surface Extends Is Y = 3.00 ft.

2.00 ft. Line Segments Define Each Trial Failure Surface.

Following Are Displayed The Ten Most Critical Of The Trial Failure Surfaces Examined. They Are Ordered - Most Critical First.

* * Safety Factors Are Calculated By The Modified Bishop Method

Failure Surface Specified By 65 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	27.22	10.90
2	29.22	10.95
3	31.22	11.02
4	33.22	11.11
5	35.21	11.24
6	37.21	11.39
7	39.20	11.56
8	41.19	11.77
9	43.18	12.00
10	45.16	12.26
11	47.14	12.54
12	49.12	12.85
13	51.09	13.19
14	53.05	13.55
15	55.02	13.94
16	56.97	14.36
17	58.92	14.80
18	60.87	15.27
19	62.80	15.76
20	64.74	16.29
21	66.66	16.83
22	68.58	17.41
23	70.48	18.00
24	72.38	18.63
25	74.28	19.28
26	76.16	19.95
27	78.03	20.65
28	79.89	21.38
29	81.75	22.13
30	83.59	22.91
31	85.42	23.71
32	87.25	24.53
33	89.06	25.38
34	90.86	26.25
35	92.64	27.15
36	94.42	28.07
37	96.18	29.02
38	97.93	29.99
39	99.67	30.98
40	101.39	32.00
41	103.10	33.04
42	104.79	34.10
43	106.47	35.18
44	108.14	36.29

45	109.79	37.42
46	111.43	38.57
47	113.05	39.74
48	114.65	40.94
49	116.24	42.16
50	117.81	43.39
51	119.36	44.65
52	120.90	45.93
53	122.42	47.23
54	123.92	48.55
55	125.40	49.89
56	126.87	51.25
57	128.32	52.63
58	129.75	54.03
59	131.16	55.45
60	132.55	56.89
61	133.92	58.34
62	135.27	59.82
63	136.60	61.31
64	137.91	62.82
65	138.82	63.90

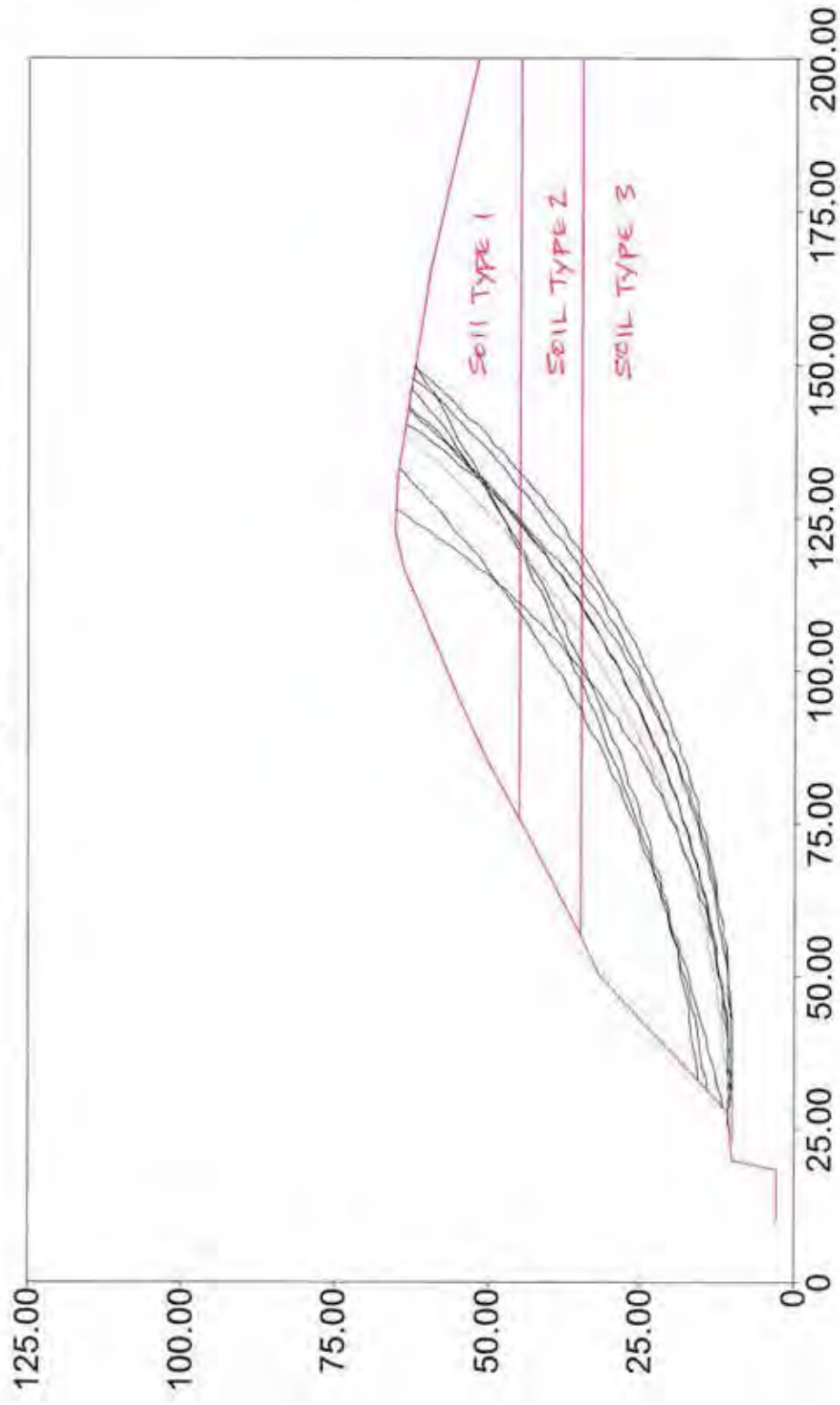
Circle Center At X = 25.0 ; Y = 159.5 and Radius, 148.6

*** 2.771 ***

Failure Surface Specified By 62 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	25.78	10.72
2	27.78	10.64
3	29.78	10.60
4	31.78	10.59
5	33.78	10.62
6	35.77	10.69
7	37.77	10.79
8	39.77	10.93
9	41.76	11.10
10	43.75	11.31
11	45.73	11.56
12	47.71	11.84
13	49.69	12.16
14	51.66	12.51
15	53.62	12.90
16	55.57	13.33
17	57.52	13.79
18	59.46	14.29
19	61.38	14.82

Lot 10 E-E (Exist Pseudostatic)



Safety Factors

2.01
2.03
2.04
2.05
2.05
2.06
2.07
2.08
2.09
2.09

** PCSTABL6 **

by
Purdue University

modified by
Peter J. Bosscher
University of Wisconsin-Madison

--Slope Stability Analysis--
Simplified Janbu, Simplified Bishop
or Spencer's Method of Slices

PROBLEM DESCRIPTION Lot 10 E-E (Exist Pseudostatic)

BOUNDARY COORDINATES

13 Top Boundaries
15 Total Boundaries

Type	Boundary	X-Left	Y-Left	X-Right	Y-Right	Soil
Bnd	No.	(ft)	(ft)	(ft)	(ft)	Below
	1	10.00	3.00	18.50	3.00	3
	2	18.50	3.00	20.00	10.00	3
	3	20.00	10.00	28.00	11.00	3
	4	28.00	11.00	50.50	32.00	3
	5	50.50	32.00	57.00	35.00	3
	6	57.00	35.00	76.00	45.00	2
	7	76.00	45.00	85.00	50.00	1
	8	85.00	50.00	94.00	54.00	1
	9	94.00	54.00	117.00	64.00	1
	10	117.00	64.00	123.00	65.50	1
	11	123.00	65.50	132.00	65.00	1
	12	132.00	65.00	166.00	59.50	1
	13	166.00	59.50	200.00	52.00	1
	14	76.00	45.00	200.00	45.00	2
	15	57.00	35.00	200.00	35.00	3

ISOTROPIC SOIL PARAMETERS

3 Type(s) of Soil

Piez. Surface No.	Soil Type No.	Total Unit Wt. (pcf)	Saturated Unit Wt. (pcf)	Cohesion Intercept (psf)	Friction Angle (deg)	Pore Pressure Param.	Pressure Constant (psf)
0	1	125.0	125.0	100.0	34.0	0.00	0.0
0	2	120.0	120.0	100.0	34.0	0.00	0.0
0	3	110.0	110.0	1500.0	32.0	0.00	0.0

A Horizontal Earthquake Loading Coefficient
Of 0.150 Has Been Assigned

A Vertical Earthquake Loading Coefficient
Of 0.000 Has Been Assigned

Cavitation Pressure = 0.0 psf

A Critical Failure Surface Searching Method, Using A Random
Technique For Generating Circular Surfaces, Has Been Specified.

100 Trial Surfaces Have Been Generated.

10 Surfaces Initiate From Each Of 10 Points Equally Spaced
Along The Ground Surface Between X = 20.00 ft.
and X = 33.00 ft.

Each Surface Terminates Between X = 76.00 ft.
and X = 150.00 ft.

Unless Further Limitations Were Imposed, The Minimum Elevation
At Which A Surface Extends Is Y = 3.00 ft.

2.00 ft. Line Segments Define Each Trial Failure Surface.

Following Are Displayed The Ten Most Critical Of The Trial
Failure Surfaces Examined. They Are Ordered - Most Critical
First.

* * Safety Factors Are Calculated By The Modified Bishop Method

Failure Surface Specified By 65 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	27.22	10.90
2	29.22	10.95
3	31.22	11.02
4	33.22	11.11
5	35.21	11.24
6	37.21	11.39
7	39.20	11.56
8	41.19	11.77
9	43.18	12.00
10	45.16	12.26
11	47.14	12.54
12	49.12	12.85
13	51.09	13.19
14	53.05	13.55
15	55.02	13.94
16	56.97	14.36
17	58.92	14.80
18	60.87	15.27
19	62.80	15.76
20	64.74	16.29
21	66.66	16.83
22	68.58	17.41
23	70.48	18.00
24	72.38	18.63
25	74.28	19.28
26	76.16	19.95
27	78.03	20.65
28	79.89	21.38
29	81.75	22.13
30	83.59	22.91
31	85.42	23.71
32	87.25	24.53
33	89.06	25.38
34	90.86	26.25
35	92.64	27.15

36	94.42	28.07
37	96.18	29.02
38	97.93	29.99
39	99.67	30.98
40	101.39	32.00
41	103.10	33.04
42	104.79	34.10
43	106.47	35.18
44	108.14	36.29
45	109.79	37.42
46	111.43	38.57
47	113.05	39.74
48	114.65	40.94
49	116.24	42.16
50	117.81	43.39
51	119.36	44.65
52	120.90	45.93
53	122.42	47.23
54	123.92	48.55
55	125.40	49.89
56	126.87	51.25
57	128.32	52.63
58	129.75	54.03
59	131.16	55.45
60	132.55	56.89
61	133.92	58.34
62	135.27	59.82
63	136.60	61.31
64	137.91	62.82
65	138.82	63.90

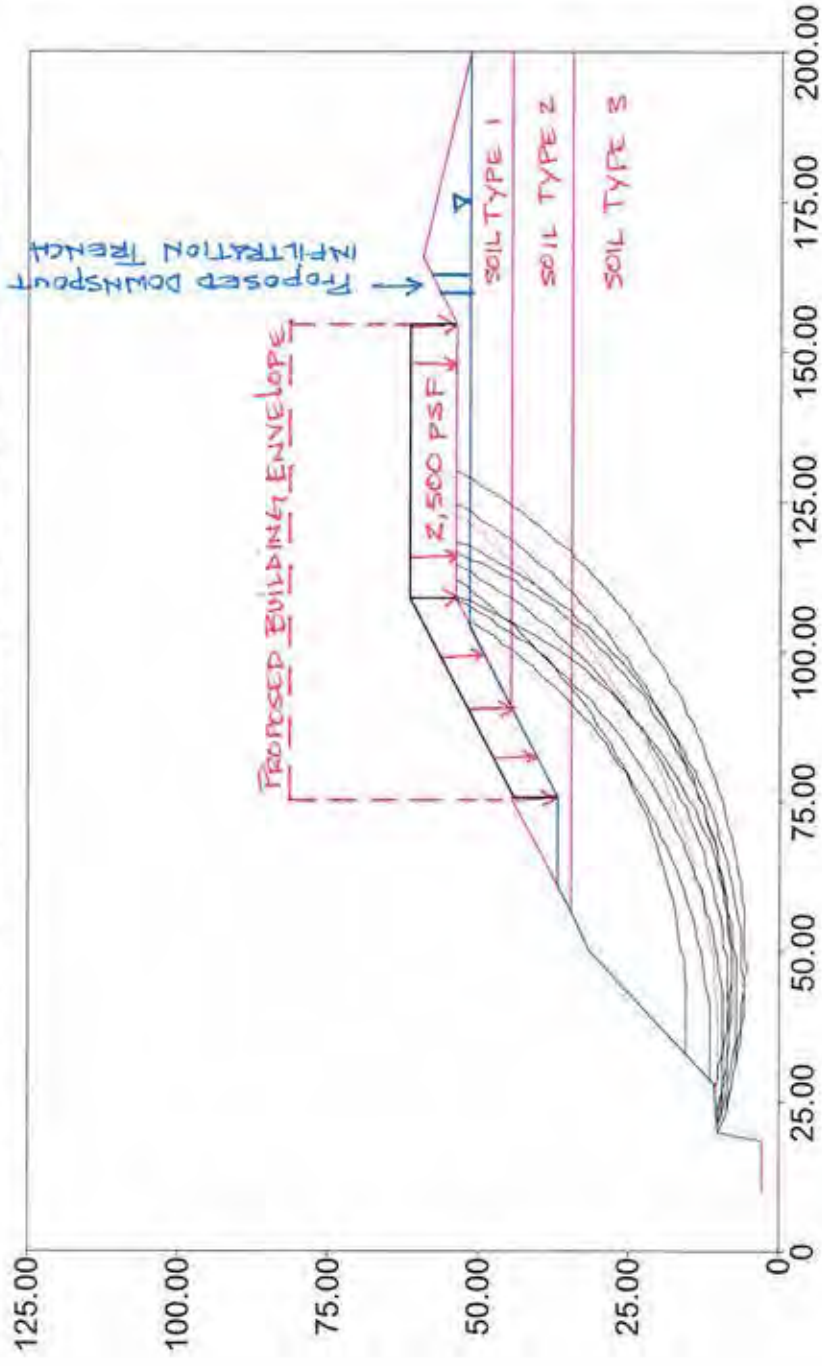
Circle Center At X = 25.0 ; Y = 159.5 and Radius, 148.6

*** 2.078 ***

Failure Surface Specified By 68 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	25.78	10.72
2	27.78	10.69
3	29.78	10.69
4	31.78	10.71
5	33.78	10.76
6	35.78	10.84
7	37.77	10.94
8	39.77	11.07
9	41.76	11.23
10	43.75	11.42

Lot 10 E-E (Proposed Static with Bldg Load and Applied Water Surface)



Safety Factors

1.82
1.82
1.83
1.83
1.84
1.86
1.86
1.87
1.87
1.89

** PCSTABL6 **

by
Purdue University

modified by
Peter J. Bosscher
University of Wisconsin-Madison

--Slope Stability Analysis--
Simplified Janbu, Simplified Bishop
or Spencer's Method of Slices

PROBLEM DESCRIPTION Lot 10 E-E (Proposed Static with Bldg Lo
ad and Applied Water Surface)

BOUNDARY COORDINATES

12 Top Boundaries
14 Total Boundaries

Type	Boundary	X-Left	Y-Left	X-Right	Y-Right	Soil
Bnd	No.	(ft)	(ft)	(ft)	(ft)	Below
	1	10.00	3.00	18.50	3.00	3
	2	18.50	3.00	20.00	10.00	3
	3	20.00	10.00	28.00	11.00	3
	4	28.00	11.00	50.50	32.00	3
	5	50.50	32.00	57.00	35.00	3
	6	57.00	35.00	76.00	45.00	2
	7	76.00	45.00	76.10	37.00	2
	8	76.10	37.00	91.00	45.00	2
	9	91.00	45.00	109.00	54.00	1
	10	109.00	54.00	155.00	54.00	1
	11	155.00	54.00	166.00	59.50	1
	12	166.00	59.50	200.00	52.00	1
	13	91.00	45.00	200.00	45.00	2
	14	57.00	35.00	200.00	35.00	3

ISOTROPIC SOIL PARAMETERS

3 Type(s) of Soil

Piez. Surface No.	Soil Type No.	Total Unit Wt. (pcf)	Saturated Unit Wt. (pcf)	Cohesion Intercept (psf)	Friction Angle (deg)	Pore Pressure Param.	Pressure Constant (psf)
1	1	125.0	130.0	100.0	34.0	0.00	0.0
1	2	120.0	125.0	100.0	34.0	0.00	0.0
1	3	110.0	115.0	1500.0	32.0	0.00	0.0

1 PIEZOMETRIC SURFACE(S) HAVE BEEN SPECIFIED

Unit Weight of Water = 62.40

Piezometric Surface No. 1 Specified by 8 Coordinate Points

Point No.	X-Water (ft)	Y-Water (ft)
1	20.00	10.00
2	28.00	11.00
3	50.50	32.00
4	57.00	35.00
5	61.00	37.00
6	76.10	37.00
7	104.50	52.00
8	200.00	52.00

BOUNDARY LOAD(S)

2 Load(s) Specified

Load No.	X-Left (ft)	X-Right (ft)	Intensity (lb/sqft)	Deflection (deg)
-------------	----------------	-----------------	------------------------	---------------------

1	76.10	109.00	2500.0	0.0
2	109.00	155.00	2500.0	0.0

NOTE - Intensity Is Specified As A Uniformly Distributed Force Acting On A Horizontally Projected Surface.

A Critical Failure Surface Searching Method, Using A Random Technique For Generating Circular Surfaces, Has Been Specified.

100 Trial Surfaces Have Been Generated.

10 Surfaces Initiate From Each Of 10 Points Equally Spaced Along The Ground Surface Between X = 20.00 ft.
and X = 33.00 ft.

Each Surface Terminates Between X = 50.50 ft.
and X = 150.00 ft.

Unless Further Limitations Were Imposed, The Minimum Elevation At Which A Surface Extends Is Y = 3.00 ft.

2.00 ft. Line Segments Define Each Trial Failure Surface.

Following Are Displayed The Ten Most Critical Of The Trial Failure Surfaces Examined. They Are Ordered - Most Critical First.

* * Safety Factors Are Calculated By The Modified Bishop Method

* *

Failure Surface Specified By 57 Coordinate Points

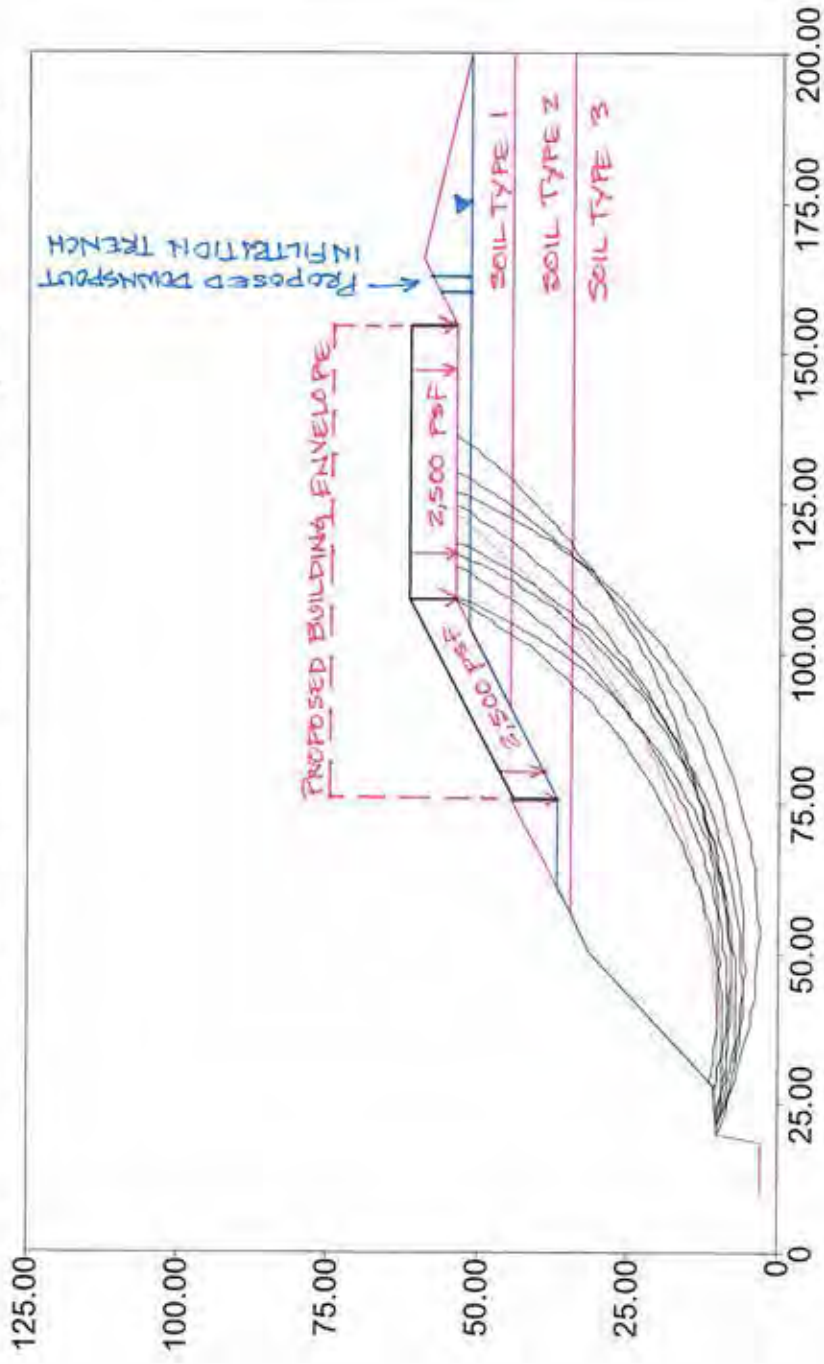
Point No.	X-Surf (ft)	Y-Surf (ft)
1	25.78	10.72
2	27.77	10.57
3	29.77	10.45
4	31.77	10.38
5	33.77	10.33
6	35.77	10.32
7	37.77	10.35
8	39.77	10.42

9	41.76	10.52
10	43.76	10.66
11	45.75	10.83
12	47.74	11.04
13	49.72	11.29
14	51.70	11.57
15	53.68	11.89
16	55.65	12.24
17	57.61	12.63
18	59.56	13.05
19	61.51	13.51
20	63.45	14.01
21	65.38	14.54
22	67.30	15.10
23	69.20	15.70
24	71.10	16.33
25	72.99	17.00
26	74.86	17.70
27	76.72	18.44
28	78.56	19.21
29	80.40	20.01
30	82.21	20.85
31	84.02	21.72
32	85.80	22.62
33	87.57	23.55
34	89.32	24.51
35	91.06	25.51
36	92.77	26.54
37	94.47	27.60
38	96.15	28.69
39	97.80	29.81
40	99.44	30.95
41	101.06	32.13
42	102.65	33.34
43	104.22	34.58
44	105.77	35.84
45	107.30	37.13
46	108.80	38.45
47	110.28	39.80
48	111.73	41.17
49	113.16	42.57
50	114.57	44.00
51	115.94	45.45
52	117.29	46.92
53	118.62	48.42
54	119.91	49.95
55	121.18	51.49
56	122.42	53.06
57	123.14	54.00

Circle Center At X = 35.2 ; Y = 120.8 and Radius, 110.5

*** 1.818 ***

Lot 10 E-E (Proposed Pseudostatic with Bldg Load and Applied Water Surface)



Safety Factors

1.52
1.52
1.52
1.53
1.53
1.54
1.56
1.56
1.57
1.57

** PCSTABL6 **

by
Purdue University

modified by
Peter J. Bosscher
University of Wisconsin-Madison

--Slope Stability Analysis--
Simplified Janbu, Simplified Bishop
or Spencer's Method of Slices

PROBLEM DESCRIPTION Lot 10 E-E (Proposed Pseudostatic with B
 ldg Load and Applied Water Surface)

BOUNDARY COORDINATES

12 Top Boundaries
14 Total Boundaries

Type	Boundary	X-Left	Y-Left	X-Right	Y-Right	Soil
Bnd	No.	(ft)	(ft)	(ft)	(ft)	Below
	1	10.00	3.00	18.50	3.00	3
	2	18.50	3.00	20.00	10.00	3
	3	20.00	10.00	28.00	11.00	3
	4	28.00	11.00	50.50	32.00	3
	5	50.50	32.00	57.00	35.00	3
	6	57.00	35.00	76.00	45.00	2
	7	76.00	45.00	76.10	37.00	2
	8	76.10	37.00	91.00	45.00	2
	9	91.00	45.00	109.00	54.00	1
	10	109.00	54.00	155.00	54.00	1
	11	155.00	54.00	166.00	59.50	1
	12	166.00	59.50	200.00	52.00	1
	13	91.00	45.00	200.00	45.00	2
	14	57.00	35.00	200.00	35.00	3

ISOTROPIC SOIL PARAMETERS

3 Type(s) of Soil

Piez. Surface No.	Soil Type No.	Total Unit Wt. (pcf)	Saturated Unit Wt. (pcf)	Cohesion Intercept (psf)	Friction Angle (deg)	Pore Pressure Param.	Pressure Constant (psf)
1	1	125.0	130.0	100.0	34.0	0.00	0.0
1	2	120.0	125.0	100.0	34.0	0.00	0.0
1	3	110.0	115.0	1500.0	32.0	0.00	0.0

1 PIEZOMETRIC SURFACE(S) HAVE BEEN SPECIFIED

Unit Weight of Water = 62.40

Piezometric Surface No. 1 Specified by 8 Coordinate Points

Point No.	X-Water (ft)	Y-Water (ft)
1	20.00	10.00
2	28.00	11.00
3	50.50	32.00
4	57.00	35.00
5	61.00	37.00
6	76.10	37.00
7	104.50	52.00
8	200.00	52.00

A Horizontal Earthquake Loading Coefficient
Of 0.150 Has Been Assigned

A Vertical Earthquake Loading Coefficient
Of 0.000 Has Been Assigned

Cavitation Pressure = 0.0 psf

BOUNDARY LOAD(S)

2 Load(s) Specified

Load No.	X-Left (ft)	X-Right (ft)	Intensity (lb/sqft)	Deflection (deg)
1	76.10	109.00	2500.0	0.0
2	109.00	155.00	2500.0	0.0

NOTE - Intensity Is Specified As A Uniformly Distributed Force Acting On A Horizontally Projected Surface.

A Critical Failure Surface Searching Method, Using A Random Technique For Generating Circular Surfaces, Has Been Specified.

100 Trial Surfaces Have Been Generated.

10 Surfaces Initiate From Each Of 10 Points Equally Spaced Along The Ground Surface Between X = 20.00 ft.
and X = 33.00 ft.

Each Surface Terminates Between X = 50.50 ft.
and X = 150.00 ft.

Unless Further Limitations Were Imposed, The Minimum Elevation At Which A Surface Extends Is Y = 3.00 ft.

2.00 ft. Line Segments Define Each Trial Failure Surface.

Following Are Displayed The Ten Most Critical Of The Trial Failure Surfaces Examined. They Are Ordered - Most Critical First.

* *

* * Safety Factors Are Calculated By The Modified Bishop Method

Failure Surface Specified By 57 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	25.78	10.72
2	27.77	10.57
3	29.77	10.45
4	31.77	10.38
5	33.77	10.33
6	35.77	10.32
7	37.77	10.35
8	39.77	10.42
9	41.76	10.52
10	43.76	10.66
11	45.75	10.83
12	47.74	11.04
13	49.72	11.29
14	51.70	11.57
15	53.68	11.89
16	55.65	12.24
17	57.61	12.63
18	59.56	13.05
19	61.51	13.51
20	63.45	14.01
21	65.38	14.54
22	67.30	15.10
23	69.20	15.70
24	71.10	16.33
25	72.99	17.00
26	74.86	17.70
27	76.72	18.44
28	78.56	19.21
29	80.40	20.01
30	82.21	20.85
31	84.02	21.72
32	85.80	22.62
33	87.57	23.55
34	89.32	24.51
35	91.06	25.51
36	92.77	26.54
37	94.47	27.60
38	96.15	28.69
39	97.80	29.81
40	99.44	30.95
41	101.06	32.13
42	102.65	33.34
43	104.22	34.58
44	105.77	35.84

45	107.30	37.13
46	108.80	38.45
47	110.28	39.80
48	111.73	41.17
49	113.16	42.57
50	114.57	44.00
51	115.94	45.45
52	117.29	46.92
53	118.62	48.42
54	119.91	49.95
55	121.18	51.49
56	122.42	53.06
57	123.14	54.00

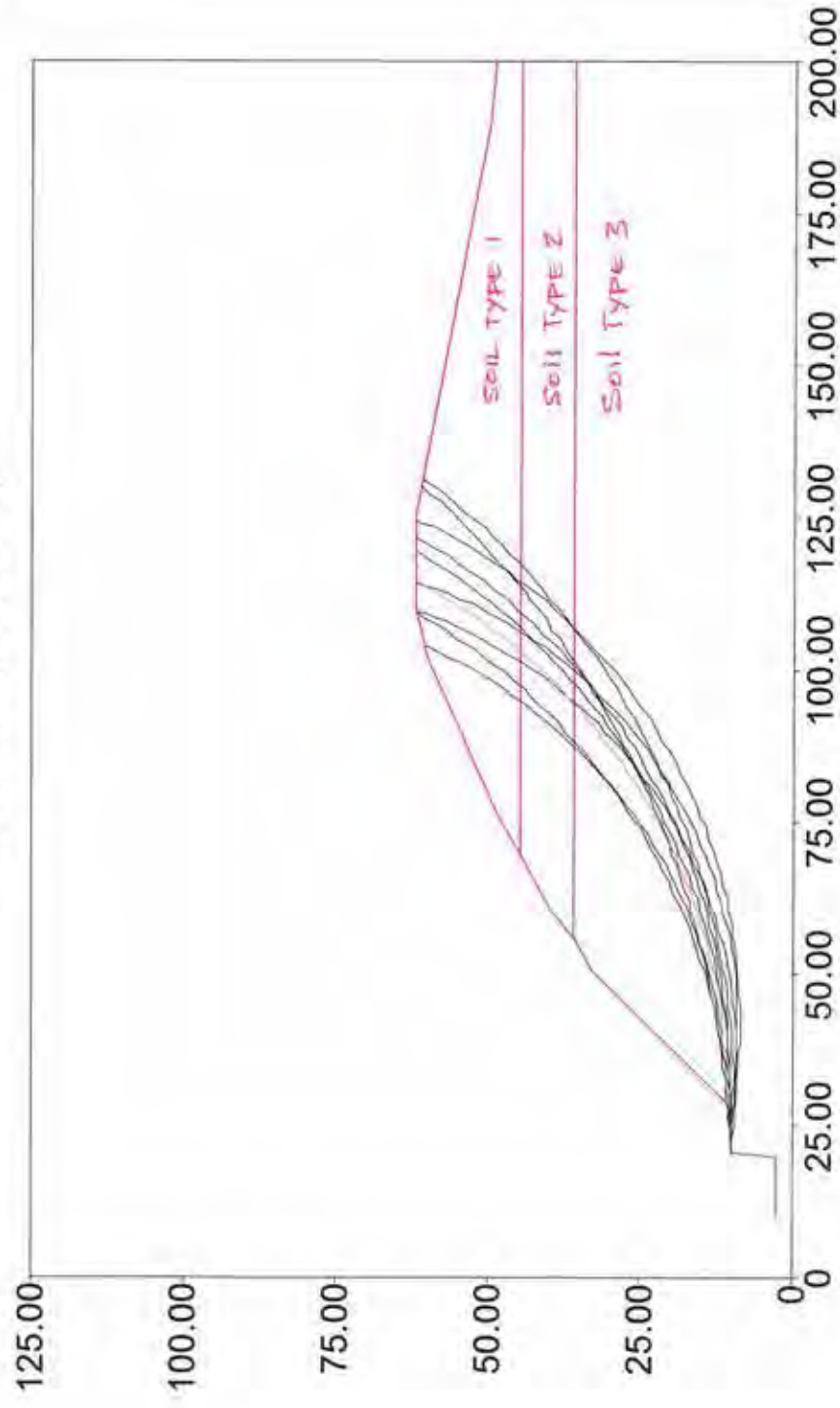
Circle Center At X = 35.2 ; Y = 120.8 and Radius, 110.5

*** 1.516 ***

Failure Surface Specified By 61 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	22.89	10.36
2	24.84	9.92
3	26.80	9.53
4	28.77	9.17
5	30.74	8.86
6	32.73	8.59
7	34.71	8.36
8	36.71	8.18
9	38.70	8.04
10	40.70	7.94
11	42.70	7.88
12	44.70	7.87
13	46.70	7.90
14	48.70	7.97
15	50.69	8.09
16	52.69	8.25
17	54.68	8.45
18	56.66	8.69
19	58.64	8.98
20	60.61	9.30
21	62.58	9.67
22	64.54	10.09
23	66.48	10.54
24	68.42	11.04
25	70.35	11.58
26	72.26	12.15
27	74.16	12.77

Lot 11 B-B (Exist Static)



** PCSTABL6 **

by
Purdue University

modified by
Peter J. Bosscher
University of Wisconsin-Madison

--Slope Stability Analysis--
Simplified Janbu, Simplified Bishop
or Spencer's Method of Slices

PROBLEM DESCRIPTION Lot 11 B-B (Exist Static)

BOUNDARY COORDINATES

13 Top Boundaries
15 Total Boundaries

Type	Boundary	X-Left	Y-Left	X-Right	Y-Right	Soil
Bnd	No.	(ft)	(ft)	(ft)	(ft)	Below
	1	10.00	3.00	20.00	3.00	3
	2	20.00	3.00	21.00	10.00	3
	3	21.00	10.00	29.00	11.00	3
	4	29.00	11.00	51.00	33.00	3
	5	51.00	33.00	56.00	36.00	3
	6	56.00	36.00	61.00	40.00	2
	7	61.00	40.00	70.00	45.00	2
	8	70.00	45.00	76.50	48.50	1
	9	76.50	48.50	102.00	60.00	1
	10	102.00	60.00	110.00	62.00	1
	11	110.00	62.00	126.00	62.00	1
	12	126.00	62.00	190.00	50.00	1
	13	190.00	50.00	200.00	49.00	1
	14	70.00	45.00	200.00	45.00	2
	15	56.00	36.00	200.00	36.00	3

ISOTROPIC SOIL PARAMETERS

3 Type(s) of Soil

Piez. Surface No.	Soil	Total	Saturated	Cohesion	Friction	Pore	Pressure
	Type	Unit Wt.	Unit Wt.	Intercept	Angle	Pressure	Constant
	No.	(pcf)	(pcf)	(psf)	(deg)	Param.	(psf)
0	1	125.0	125.0	100.0	34.0	0.00	0.0
0	2	120.0	120.0	100.0	34.0	0.00	0.0
0	3	110.0	110.0	1500.0	32.0	0.00	0.0

A Critical Failure Surface Searching Method, Using A Random Technique For Generating Circular Surfaces, Has Been Specified.

100 Trial Surfaces Have Been Generated.

10 Surfaces Initiate From Each Of 10 Points Equally Spaced Along The Ground Surface Between X = 21.00 ft.
and X = 33.00 ft.

Each Surface Terminates Between X = 61.00 ft.
and X = 200.00 ft.

Unless Further Limitations Were Imposed, The Minimum Elevation At Which A Surface Extends Is Y = 3.00 ft.

2.00 ft. Line Segments Define Each Trial Failure Surface.

Following Are Displayed The Ten Most Critical Of The Trial Failure Surfaces Examined. They Are Ordered - Most Critical First.

* * Safety Factors Are Calculated By The Modified Bishop Method

Failure Surface Specified By 54 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	29.00	11.00
2	31.00	11.00
3	33.00	11.04
4	35.00	11.12
5	36.99	11.25
6	38.99	11.41
7	40.98	11.62
8	42.96	11.87
9	44.94	12.16
10	46.91	12.49
11	48.88	12.86
12	50.83	13.28
13	52.78	13.73
14	54.72	14.23
15	56.65	14.76
16	58.56	15.34
17	60.46	15.95
18	62.35	16.61
19	64.23	17.30
20	66.09	18.04
21	67.94	18.81
22	69.76	19.62
23	71.57	20.47
24	73.37	21.35
25	75.14	22.28
26	76.90	23.24
27	78.63	24.24
28	80.34	25.27
29	82.03	26.34
30	83.70	27.44
31	85.34	28.58
32	86.96	29.75
33	88.56	30.96
34	90.13	32.20
35	91.67	33.47
36	93.19	34.78
37	94.68	36.11
38	96.14	37.48
39	97.57	38.87
40	98.97	40.30
41	100.34	41.75
42	101.69	43.24
43	103.00	44.75
44	104.27	46.29

45	105.52	47.85
46	106.73	49.44
47	107.91	51.06
48	109.06	52.70
49	110.17	54.36
50	111.24	56.05
51	112.28	57.76
52	113.29	59.48
53	114.26	61.23
54	114.66	62.00

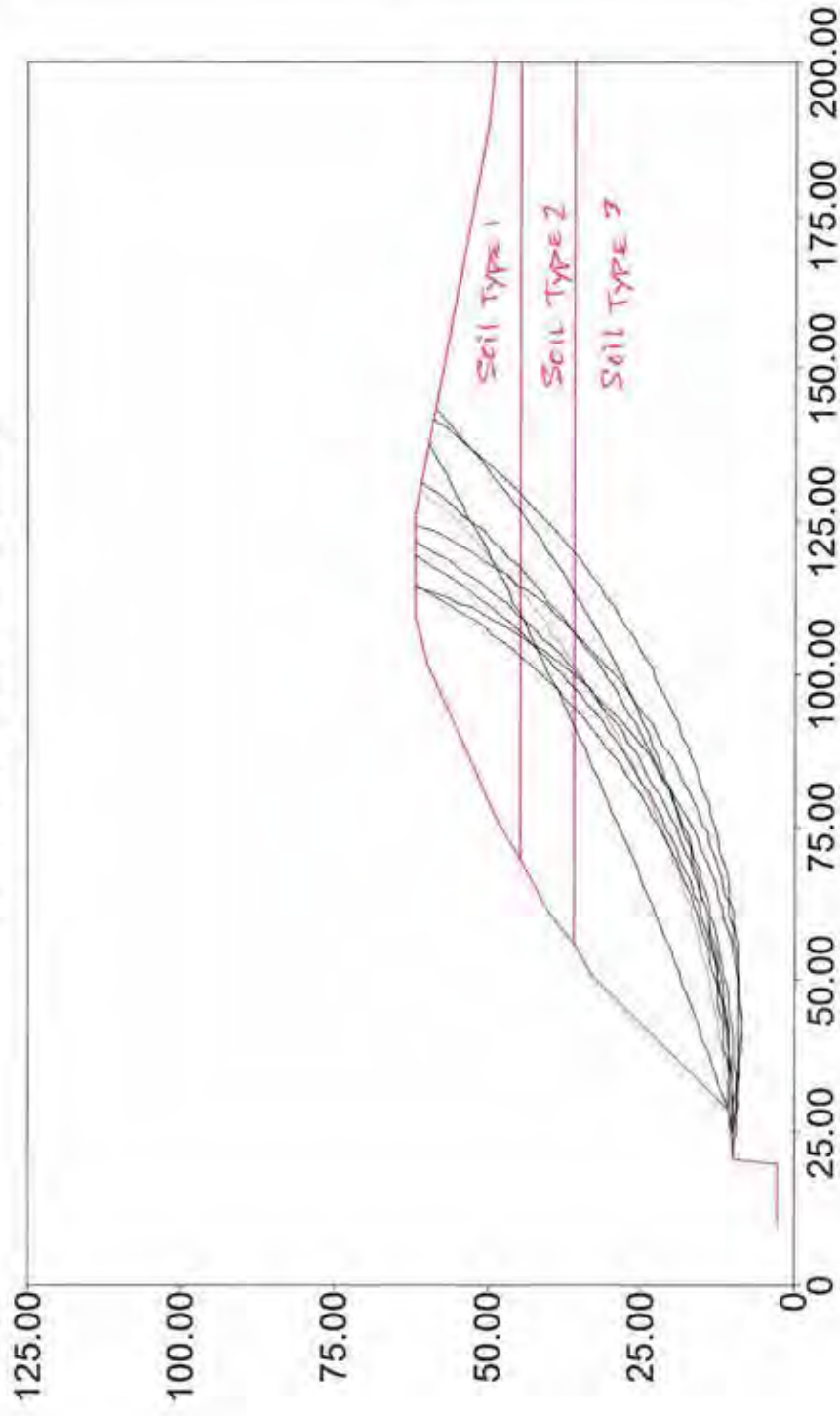
Circle Center At X = 30.1 ; Y = 106.6 and Radius, 95.7

*** 2.681 ***

Failure Surface Specified By 59 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	29.00	11.00
2	30.99	11.16
3	32.98	11.35
4	34.97	11.57
5	36.96	11.81
6	38.94	12.08
7	40.92	12.37
8	42.89	12.69
9	44.86	13.04
10	46.83	13.41
11	48.79	13.81
12	50.74	14.23
13	52.69	14.68
14	54.63	15.16
15	56.57	15.66
16	58.50	16.19
17	60.42	16.74
18	62.33	17.32
19	64.24	17.93
20	66.14	18.56
21	68.03	19.21
22	69.91	19.89
23	71.78	20.59
24	73.64	21.32
25	75.50	22.08
26	77.34	22.85
27	79.17	23.66
28	80.99	24.48
29	82.80	25.33
30	84.60	26.21

Lot 11 B-B (Exist Pseudostatic)



Safety Factors

2.05
2.10
2.11
2.12
2.13
2.14
2.17
2.19
2.21
2.22

** PCSTABL6 **

by
Purdue University

modified by
Peter J. Bosscher
University of Wisconsin-Madison

--Slope Stability Analysis--
Simplified Janbu, Simplified Bishop
or Spencer's Method of Slices

PROBLEM DESCRIPTION Lot 11 B-B (Exist Pseudostatic)

BOUNDARY COORDINATES

13 Top Boundaries
15 Total Boundaries

Type	Boundary	X-Left	Y-Left	X-Right	Y-Right	Soil
Brd	No.	(ft)	(ft)	(ft)	(ft)	Below
	1	10.00	3.00	20.00	3.00	3
	2	20.00	3.00	21.00	10.00	3
	3	21.00	10.00	29.00	11.00	3
	4	29.00	11.00	51.00	33.00	3
	5	51.00	33.00	56.00	36.00	3
	6	56.00	36.00	61.00	40.00	2
	7	61.00	40.00	70.00	45.00	2
	8	70.00	45.00	76.50	48.50	1
	9	76.50	48.50	102.00	60.00	1
	10	102.00	60.00	110.00	62.00	1
	11	110.00	62.00	126.00	62.00	1
	12	126.00	62.00	190.00	50.00	1
	13	190.00	50.00	200.00	49.00	1
	14	70.00	45.00	200.00	45.00	2

15	56.00	36.00	200.00	36.00	3
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ISOTROPIC SOIL PARAMETERS

3 Type(s) of Soil

Piez. Surface No.	Soil Type No.	Total Unit Wt. (pcf)	Saturated Unit Wt. (pcf)	Cohesion Intercept (psf)	Friction Angle (deg)	Pore Pressure Param.	Pressure Constant (psf)
0	1	125.0	125.0	100.0	34.0	0.00	0.0
0	2	120.0	120.0	100.0	34.0	0.00	0.0
0	3	110.0	110.0	1500.0	32.0	0.00	0.0

A Horizontal Earthquake Loading Coefficient
Of 0.150 Has Been Assigned

A Vertical Earthquake Loading Coefficient
Of 0.000 Has Been Assigned

Cavitation Pressure = 0.0 psf

A Critical Failure Surface Searching Method, Using A Random
Technique For Generating Circular Surfaces, Has Been Specified.

100 Trial Surfaces Have Been Generated.

10 Surfaces Initiate From Each Of 10 Points Equally Spaced
Along The Ground Surface Between X = 21.00 ft.
and X = 33.00 ft.

Each Surface Terminates Between X = 61.00 ft.
and X = 200.00 ft.

Unless Further Limitations Were Imposed, The Minimum Elevation
At Which A Surface Extends Is Y = 3.00 ft.

2.00 ft. Line Segments Define Each Trial Failure Surface.

Following Are Displayed The Ten Most Critical Of The Trial Failure Surfaces Examined. They Are Ordered - Most Critical First.

* * Safety Factors Are Calculated By The Modified Bishop Method

Failure Surface Specified By 59 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	29.00	11.00
2	30.99	11.16
3	32.98	11.35
4	34.97	11.57
5	36.96	11.81
6	38.94	12.08
7	40.92	12.37
8	42.89	12.69
9	44.86	13.04
10	46.83	13.41
11	48.79	13.81
12	50.74	14.23
13	52.69	14.68
14	54.63	15.16
15	56.57	15.66
16	58.50	16.19
17	60.42	16.74
18	62.33	17.32
19	64.24	17.93
20	66.14	18.56
21	68.03	19.21
22	69.91	19.89
23	71.78	20.59
24	73.64	21.32
25	75.50	22.08
26	77.34	22.85
27	79.17	23.66
28	80.99	24.48
29	82.80	25.33
30	84.60	26.21
31	86.39	27.11
32	88.16	28.03

33	89.93	28.98
34	91.68	29.94
35	93.41	30.94
36	95.14	31.95
37	96.84	32.99
38	98.54	34.05
39	100.22	35.13
40	101.89	36.24
41	103.54	37.36
42	105.18	38.51
43	106.80	39.68
44	108.41	40.87
45	110.00	42.09
46	111.57	43.32
47	113.13	44.58
48	114.67	45.85
49	116.19	47.15
50	117.70	48.46
51	119.19	49.80
52	120.66	51.15
53	122.11	52.53
54	123.55	53.92
55	124.96	55.33
56	126.36	56.77
57	127.74	58.22
58	129.09	59.68
59	130.43	61.17

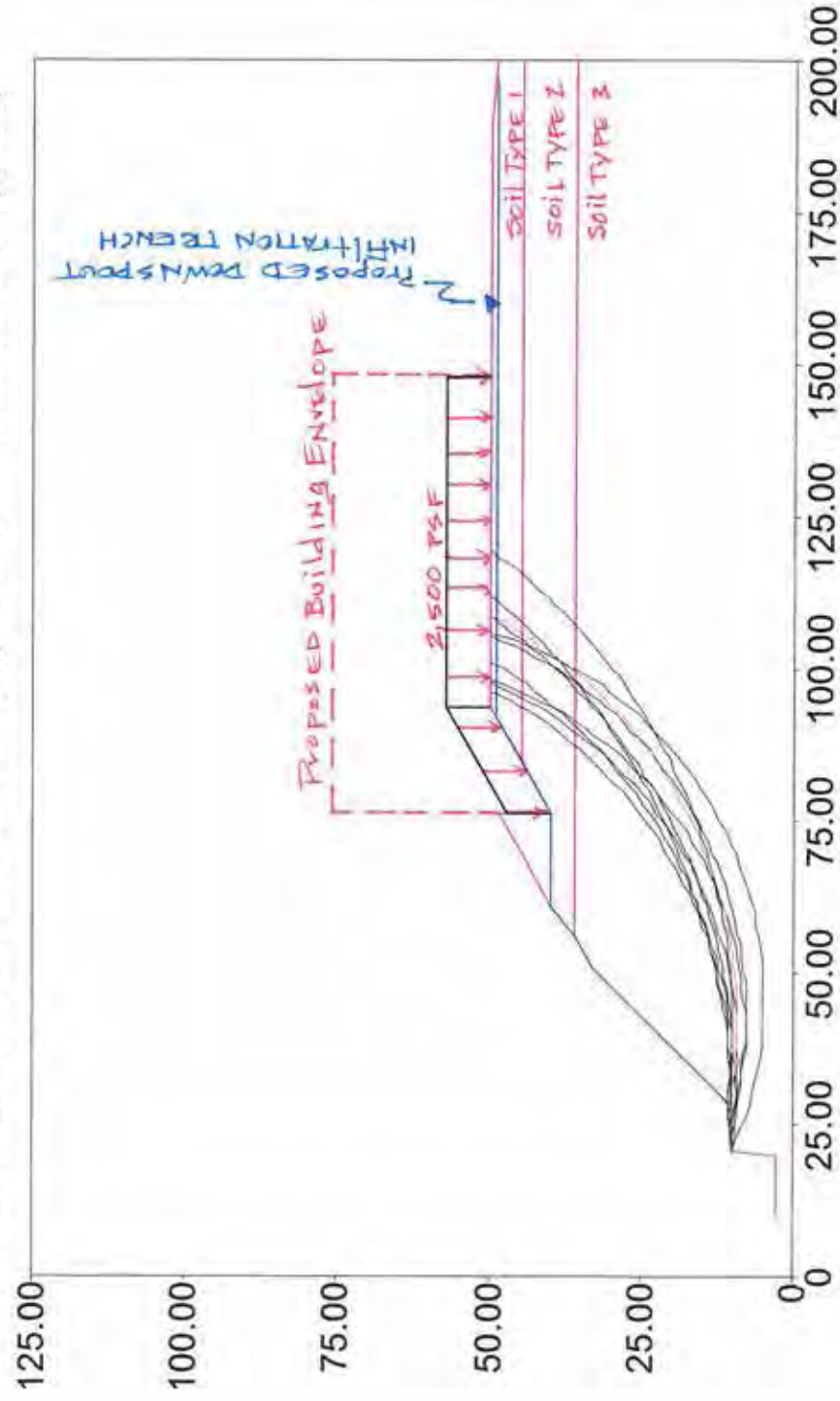
Circle Center At X = 17.7 ; Y = 161.4 and Radius, 150.8

*** 2.052 ***

Failure Surface Specified By 54 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	29.00	11.00
2	31.00	11.00
3	33.00	11.04
4	35.00	11.12
5	36.99	11.25
6	38.99	11.41
7	40.98	11.62
8	42.96	11.87
9	44.94	12.16
10	46.91	12.49
11	48.88	12.86
12	50.83	13.28
13	52.78	13.73

Lot 11 B-B (Proposed Static with Bldg Load and Water Surface Applied)



Safety Factors

1.80
1.82
1.82
1.83
1.85
1.85
1.86
1.87
1.88
1.88

** PCSTABL6 **

by
Purdue University

modified by
Peter J. Bosscher
University of Wisconsin-Madison

--Slope Stability Analysis--
Simplified Janbu, Simplified Bishop
or Spencer's Method of Slices

PROBLEM DESCRIPTION Lot 11 B-B (Proposed Static with Bldg Load and Water Surface Applied)

BOUNDARY COORDINATES

13 Top Boundaries
15 Total Boundaries

Type	Boundary	X-Left	Y-Left	X-Right	Y-Right	Soil
Bnd	No.	(ft)	(ft)	(ft)	(ft)	Below
	1	10.00	3.00	20.00	3.00	3
	2	20.00	3.00	21.00	10.00	3
	3	21.00	10.00	29.00	11.00	3
	4	29.00	11.00	51.00	33.00	3
	5	51.00	33.00	56.00	36.00	3
	6	56.00	36.00	61.00	40.00	2
	7	61.00	40.00	70.00	45.00	2
	8	70.00	45.00	76.50	48.50	1
	9	76.50	48.50	76.60	40.00	2
	10	76.60	40.00	85.00	45.00	2
	11	85.00	45.00	94.00	50.00	1
	12	94.00	50.00	190.00	50.00	1
	13	190.00	50.00	200.00	49.00	1
	14	85.00	45.00	200.00	45.00	2
	15	56.00	36.00	200.00	36.00	3

ISOTROPIC SOIL PARAMETERS

3 Type(s) of Soil

Piez. Surface No.	Soil Type No.	Total Unit Wt. (pcf)	Saturated Unit Wt. (pcf)	Cohesion Intercept (psf)	Friction Angle (deg)	Pore Pressure Param.	Pressure Constant (psf)
1	1	125.0	130.0	100.0	34.0	0.00	0.0
1	2	120.0	125.0	100.0	34.0	0.00	0.0
1	3	110.0	115.0	1500.0	32.0	0.00	0.0

1 PIEZOMETRIC SURFACE(S) HAVE BEEN SPECIFIED

Unit Weight of Water = 62.40

Piezometric Surface No. 1 Specified by 8 Coordinate Points

Point No.	X-Water (ft)	Y-Water (ft)
1	21.00	10.00
2	29.00	11.00
3	51.00	33.00
4	56.00	36.00
5	61.00	40.00
6	76.60	40.00
7	92.00	49.00
8	197.00	49.00

BOUNDARY LOAD(S)

2 Load(s) Specified

Load No.	X-Left (ft)	X-Right (ft)	Intensity (lb/sqft)	Deflection (deg)
-------------	----------------	-----------------	------------------------	---------------------

1	76.60	94.00	2500.0	0.0
2	94.00	148.00	2500.0	0.0

NOTE - Intensity Is Specified As A Uniformly Distributed Force Acting On A Horizontally Projected Surface.

A Critical Failure Surface Searching Method, Using A Random Technique For Generating Circular Surfaces, Has Been Specified.

100 Trial Surfaces Have Been Generated.

10 Surfaces Initiate From Each Of 10 Points Equally Spaced Along The Ground Surface Between $X = 21.00$ ft.
and $X = 33.00$ ft.

Each Surface Terminates Between $X = 61.00$ ft.
and $X = 200.00$ ft.

Unless Further Limitations Were Imposed, The Minimum Elevation At Which A Surface Extends Is $Y = 3.00$ ft.

2.00 ft. Line Segments Define Each Trial Failure Surface.

Following Are Displayed The Ten Most Critical Of The Trial Failure Surfaces Examined. They Are Ordered - Most Critical First.

* * Safety Factors Are Calculated By The Modified Bishop Method

* *

Failure Surface Specified By 50 Coordinate Points

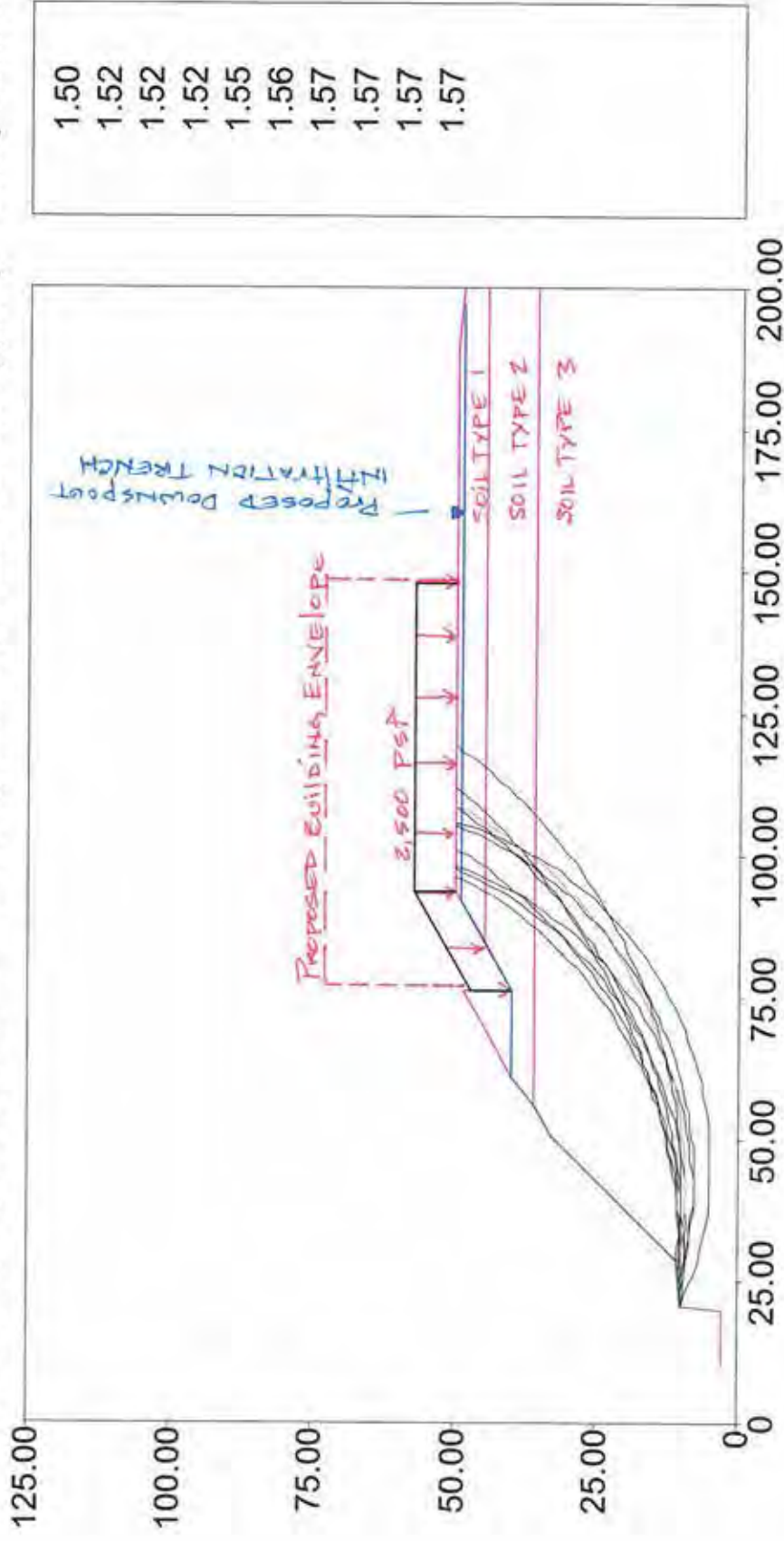
Point No.	X-Surf (ft)	Y-Surf (ft)
1	27.67	10.83
2	29.63	10.46
3	31.61	10.14

4	33.59	9.87
5	35.58	9.66
6	37.57	9.50
7	39.57	9.39
8	41.57	9.34
9	43.57	9.34
10	45.57	9.40
11	47.56	9.51
12	49.56	9.67
13	51.54	9.89
14	53.53	10.16
15	55.50	10.48
16	57.46	10.86
17	59.42	11.29
18	61.36	11.77
19	63.29	12.31
20	65.20	12.89
21	67.09	13.53
22	68.97	14.22
23	70.83	14.95
24	72.67	15.74
25	74.49	16.58
26	76.28	17.47
27	78.05	18.40
28	79.79	19.38
29	81.51	20.41
30	83.19	21.48
31	84.85	22.60
32	86.48	23.76
33	88.07	24.97
34	89.64	26.22
35	91.16	27.51
36	92.66	28.84
37	94.11	30.21
38	95.53	31.62
39	96.91	33.07
40	98.25	34.55
41	99.55	36.07
42	100.81	37.63
43	102.03	39.21
44	103.20	40.83
45	104.33	42.48
46	105.42	44.16
47	106.45	45.87
48	107.45	47.61
49	108.39	49.37
50	108.71	50.00

Circle Center At X = 42.5 ; Y = 83.6 and Radius, 74.2

*** 1.796 ***

Lot 11 B-B (Proposed Pseudotatic with Bldg Load and Water Surface Applied) Safety Factors



** PCSTABL6 **

by
Purdue University

modified by
Peter J. Bosscher
University of Wisconsin-Madison

--Slope Stability Analysis--
Simplified Janbu, Simplified Bishop
or Spencer's Method of Slices

PROBLEM DESCRIPTION Lot 11 B-B (Proposed Pseudotatic with Bldg Load and Water Surface Applied)

BOUNDARY COORDINATES

13 Top Boundaries
15 Total Boundaries

Type	Boundary	X-Left	Y-Left	X-Right	Y-Right	Soil
Bnd	No.	(ft)	(ft)	(ft)	(ft)	Below
	1	10.00	3.00	20.00	3.00	3
	2	20.00	3.00	21.00	10.00	3
	3	21.00	10.00	29.00	11.00	3
	4	29.00	11.00	51.00	33.00	3
	5	51.00	33.00	56.00	36.00	3
	6	56.00	36.00	61.00	40.00	2
	7	61.00	40.00	70.00	45.00	2
	8	70.00	45.00	76.50	48.50	1
	9	76.50	48.50	76.60	40.00	2
	10	76.60	40.00	85.00	45.00	2
	11	85.00	45.00	94.00	50.00	1
	12	94.00	50.00	190.00	50.00	1
	13	190.00	50.00	200.00	49.00	1
	14	85.00	45.00	200.00	45.00	2
	15	56.00	36.00	200.00	36.00	3

ISOTROPIC SOIL PARAMETERS

3 Type(s) of Soil

Piez. Surface No.	Soil Type No.	Total Unit Wt. (pcf)	Saturated Unit Wt. (pcf)	Cohesion Intercept (psf)	Friction Angle (deg)	Pore Pressure Param.	Pressure Constant (psf)
1	1	125.0	130.0	100.0	34.0	0.00	0.0
1	2	120.0	125.0	100.0	34.0	0.00	0.0
1	3	110.0	115.0	1500.0	32.0	0.00	0.0

1 PIEZOMETRIC SURFACE(S) HAVE BEEN SPECIFIED

Unit Weight of Water = 62.40

Piezometric Surface No. 1 Specified by 8 Coordinate Points

Point No.	X-Water (ft)	Y-Water (ft)
1	21.00	10.00
2	29.00	11.00
3	51.00	33.00
4	56.00	36.00
5	61.00	40.00
6	76.60	40.00
7	92.00	49.00
8	197.00	49.00

A Horizontal Earthquake Loading Coefficient
Of 0.150 Has Been Assigned

A Vertical Earthquake Loading Coefficient
Of 0.000 Has Been Assigned

Cavitation Pressure = 0.0 psf

BOUNDARY LOAD(S)

2 Load(s) Specified

Load No.	X-Left (ft)	X-Right (ft)	Intensity (lb/sqft)	Deflection (deg)
1	76.60	94.00	2500.0	0.0
2	94.00	148.00	2500.0	0.0

NOTE - Intensity Is Specified As A Uniformly Distributed Force Acting On A Horizontally Projected Surface.

A Critical Failure Surface Searching Method, Using A Random Technique For Generating Circular Surfaces, Has Been Specified.

100 Trial Surfaces Have Been Generated.

10 Surfaces Initiate From Each Of 10 Points Equally Spaced Along The Ground Surface Between X = 21.00 ft.
and X = 33.00 ft.

Each Surface Terminates Between X = 61.00 ft.
and X = 200.00 ft.

Unless Further Limitations Were Imposed, The Minimum Elevation At Which A Surface Extends Is Y = 3.00 ft.

2.00 ft. Line Segments Define Each Trial Failure Surface.

Following Are Displayed The Ten Most Critical Of The Trial Failure Surfaces Examined. They Are Ordered - Most Critical First.

* * Safety Factors Are Calculated By The Modified Bishop Method

* *

Failure Surface Specified By 50 Coordinate Points

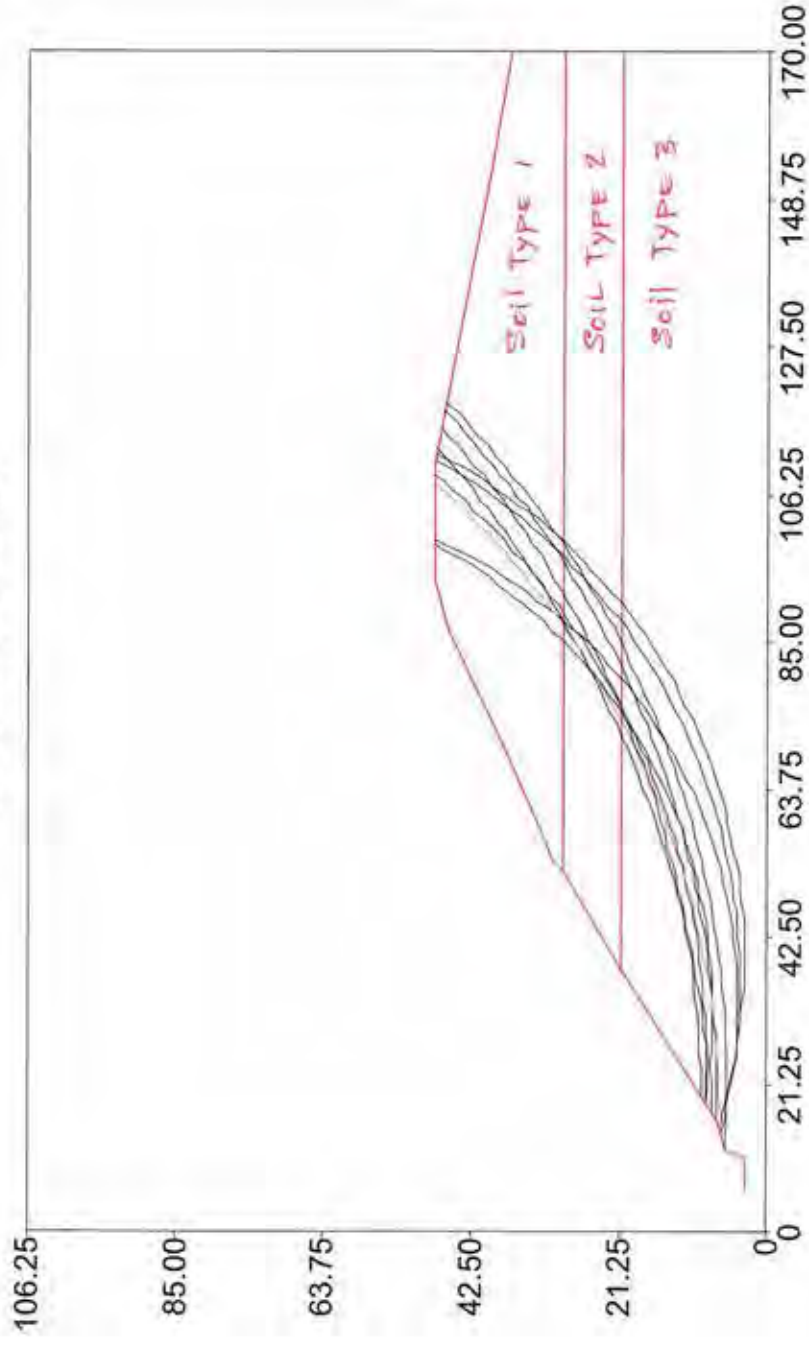
Point No.	X-Surf (ft)	Y-Surf (ft)
1	27.67	10.83

2	29.63	10.46
3	31.61	10.14
4	33.59	9.87
5	35.58	9.66
6	37.57	9.50
7	39.57	9.39
8	41.57	9.34
9	43.57	9.34
10	45.57	9.40
11	47.56	9.51
12	49.56	9.67
13	51.54	9.89
14	53.53	10.16
15	55.50	10.48
16	57.46	10.86
17	59.42	11.29
18	61.36	11.77
19	63.29	12.31
20	65.20	12.89
21	67.09	13.53
22	68.97	14.22
23	70.83	14.95
24	72.67	15.74
25	74.49	16.58
26	76.28	17.47
27	78.05	18.40
28	79.79	19.38
29	81.51	20.41
30	83.19	21.48
31	84.85	22.60
32	86.48	23.76
33	88.07	24.97
34	89.64	26.22
35	91.16	27.51
36	92.66	28.84
37	94.11	30.21
38	95.53	31.62
39	96.91	33.07
40	98.25	34.55
41	99.55	36.07
42	100.81	37.63
43	102.03	39.21
44	103.20	40.83
45	104.33	42.48
46	105.42	44.16
47	106.45	45.87
48	107.45	47.61
49	108.39	49.37
50	108.71	50.00

Circle Center At X = 42.5 ; Y = 83.6 and Radius, 74.2

*** 1.499 ***

Lot 12 C-C (Exist Static)



Safety Factors

3.21
3.25
3.26
3.29
3.29
3.31
3.33
3.33
3.36
3.36

** PCSTABL6 **

by
Purdue University

modified by
Peter J. Bosscher
University of Wisconsin-Madison

--Slope Stability Analysis--
Simplified Janbu, Simplified Bishop
or Spencer's Method of Slices

PROBLEM DESCRIPTION Lot 12 C-C (Exist Static)

BOUNDARY COORDINATES

13 Top Boundaries
15 Total Boundaries

Type	Boundary	X-Left	Y-Left	X-Right	Y-Right	Soil
End	No.	(ft)	(ft)	(ft)	(ft)	Below
	1	6.00	3.00	11.00	3.00	3
	2	11.00	3.00	12.00	6.00	3
	3	12.00	6.00	16.00	7.00	3
	4	16.00	7.00	38.00	21.00	3
	5	38.00	21.00	52.00	29.50	2
	6	52.00	29.50	54.00	31.00	1
	7	54.00	31.00	56.00	32.00	1
	8	56.00	32.00	68.50	37.50	1
	9	68.50	37.50	87.00	46.00	1
	10	87.00	46.00	94.00	48.00	1
	11	94.00	48.00	111.00	48.00	1
	12	111.00	48.00	154.00	40.00	1
	13	154.00	40.00	170.00	37.00	1
	14	52.00	29.50	170.00	29.50	2

15	38.00	21.00	170.00	21.00	3
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ISOTROPIC SOIL PARAMETERS

3 Type(s) of Soil

Piez. Surface No.	Soil Type No.	Total Unit Wt. (pcf)	Saturated Unit Wt. (pcf)	Cohesion Intercept (psf)	Friction Angle (deg)	Pore Pressure Param.	Pressure Constant (psf)
0	1	125.0	125.0	100.0	34.0	0.00	0.0
0	2	120.0	120.0	100.0	34.0	0.00	0.0
0	3	110.0	110.0	1500.0	32.0	0.00	0.0

A Critical Failure Surface Searching Method, Using A Random Technique For Generating Circular Surfaces, Has Been Specified.

100 Trial Surfaces Have Been Generated.

10 Surfaces Initiate From Each Of 10 Points Equally Spaced Along The Ground Surface Between X = 12.00 ft.
and X = 20.00 ft.

Each Surface Terminates Between X = 52.00 ft.
and X = 154.00 ft.

Unless Further Limitations Were Imposed, The Minimum Elevation At Which A Surface Extends Is Y = 3.00 ft.

2.00 ft. Line Segments Define Each Trial Failure Surface.

Following Are Displayed The Ten Most Critical Of The Trial Failure Surfaces Examined. They Are Ordered - Most Critical First.

* * Safety Factors Are Calculated By The Modified Bishop Method

* *

Failure Surface Specified By 54 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	15.56	6.89
2	17.56	6.89
3	19.56	6.93
4	21.55	7.00
5	23.55	7.10
6	25.55	7.23
7	27.54	7.40
8	29.53	7.60
9	31.52	7.83
10	33.50	8.09
11	35.48	8.39
12	37.45	8.71
13	39.42	9.07
14	41.38	9.47
15	43.33	9.89
16	45.28	10.34
17	47.22	10.83
18	49.15	11.35
19	51.08	11.90
20	52.99	12.48
21	54.89	13.09
22	56.79	13.74
23	58.67	14.41
24	60.54	15.11
25	62.40	15.85
26	64.25	16.61
27	66.09	17.41
28	67.91	18.23
29	69.72	19.09
30	71.51	19.97
31	73.29	20.88
32	75.05	21.83
33	76.80	22.80
34	78.54	23.79
35	80.25	24.82
36	81.95	25.88
37	83.63	26.96
38	85.30	28.07
39	86.94	29.20
40	88.57	30.37
41	90.18	31.55
42	91.77	32.77

43	93.34	34.01
44	94.89	35.28
45	96.41	36.57
46	97.92	37.88
47	99.40	39.22
48	100.87	40.59
49	102.31	41.98
50	103.72	43.39
51	105.12	44.82
52	106.49	46.28
53	107.83	47.76
54	108.05	48.00

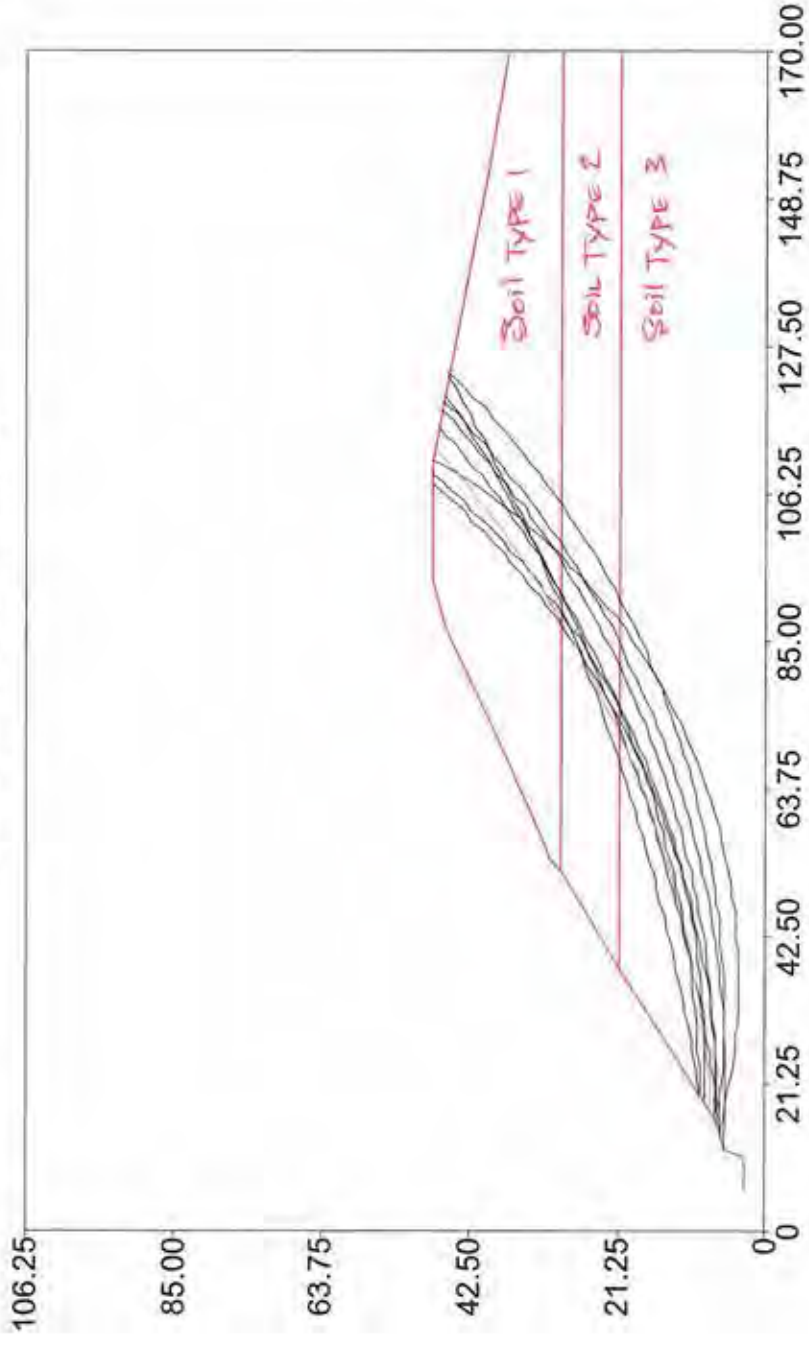
Circle Center At X = 16.3 ; Y = 129.7 and Radius, 122.8

*** 3.208 ***

Failure Surface Specified By 52 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	19.11	8.98
2	21.11	8.89
3	23.11	8.84
4	25.11	8.82
5	27.11	8.84
6	29.11	8.89
7	31.11	8.99
8	33.10	9.11
9	35.09	9.28
10	37.08	9.48
11	39.07	9.72
12	41.05	9.99
13	43.03	10.30
14	45.00	10.64
15	46.96	11.02
16	48.92	11.44
17	50.87	11.89
18	52.81	12.38
19	54.74	12.90
20	56.66	13.45
21	58.57	14.05
22	60.47	14.67
23	62.36	15.33
24	64.23	16.03
25	66.09	16.76
26	67.94	17.52
27	69.78	18.32
28	71.60	19.15

Lot 12 C-C (Exist Pseudostatic)



Safety Factors

2.38
2.39
2.40
2.40
2.41
2.43
2.43
2.44
2.46
2.47

** PCSTABL6 **

by
Purdue University

modified by
Peter J. Bosscher
University of Wisconsin-Madison

--Slope Stability Analysis--
Simplified Janbu, Simplified Bishop
or Spencer's Method of Slices

PROBLEM DESCRIPTION Lot 12 C-C (Exist Pseudostatic)

BOUNDARY COORDINATES

13 Top Boundaries
15 Total Boundaries

Type	Boundary	X-Left	Y-Left	X-Right	Y-Right	Soil
Bnd	No.	(ft)	(ft)	(ft)	(ft)	Below
	1	6.00	3.00	11.00	3.00	3
	2	11.00	3.00	12.00	6.00	3
	3	12.00	6.00	16.00	7.00	3
	4	16.00	7.00	38.00	21.00	3
	5	38.00	21.00	52.00	29.50	2
	6	52.00	29.50	54.00	31.00	1
	7	54.00	31.00	56.00	32.00	1
	8	56.00	32.00	68.50	37.50	1
	9	68.50	37.50	87.00	46.00	1
	10	87.00	46.00	94.00	48.00	1
	11	94.00	48.00	111.00	48.00	1
	12	111.00	48.00	154.00	40.00	1
	13	154.00	40.00	170.00	37.00	1
	14	52.00	29.50	170.00	29.50	2

15	38.00	21.00	170.00	21.00	3
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ISOTROPIC SOIL PARAMETERS

3 Type(s) of Soil

Piez. Surface No.	Soil Type No.	Total Unit Wt. (pcf)	Saturated Unit Wt. (pcf)	Cohesion Intercept (psf)	Friction Angle (deg)	Pore Pressure Param.	Pressure Constant (psf)
0	1	125.0	125.0	100.0	34.0	0.00	0.0
0	2	120.0	120.0	100.0	34.0	0.00	0.0
0	3	110.0	110.0	1500.0	32.0	0.00	0.0

A Horizontal Earthquake Loading Coefficient
Of 0.150 Has Been Assigned

A Vertical Earthquake Loading Coefficient
Of 0.000 Has Been Assigned

Cavitation Pressure = 0.0 psf

A Critical Failure Surface Searching Method, Using A Random
Technique For Generating Circular Surfaces, Has Been Specified.

100 Trial Surfaces Have Been Generated.

10 Surfaces Initiate From Each Of 10 Points Equally Spaced
Along The Ground Surface Between X = 12.00 ft,
and X = 20.00 ft.

Each Surface Terminates Between X = 52.00 ft.
and X = 154.00 ft.

Unless Further Limitations Were Imposed, The Minimum Elevation
At Which A Surface Extends Is Y = 3.00 ft.

2.00 ft. Line Segments Define Each Trial Failure Surface.

Following Are Displayed The Ten Most Critical Of The Trial Failure Surfaces Examined. They Are Ordered - Most Critical First,

* * Safety Factors Are Calculated By The Modified Bishop Method

* *

Failure Surface Specified By 54 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	17.33	7.85
2	19.33	7.99
3	21.32	8.15
4	23.31	8.33
5	25.30	8.54
6	27.29	8.78
7	29.27	9.04
8	31.25	9.33
9	33.23	9.64
10	35.20	9.98
11	37.17	10.34
12	39.13	10.72
13	41.08	11.13
14	43.04	11.57
15	44.98	12.03
16	46.92	12.51
17	48.86	13.02
18	50.79	13.56
19	52.71	14.11
20	54.62	14.69
21	56.53	15.30
22	58.42	15.93
23	60.32	16.58
24	62.20	17.26
25	64.07	17.96
26	65.93	18.68
27	67.79	19.43
28	69.64	20.20
29	71.47	21.00
30	73.30	21.81
31	75.11	22.65
32	76.92	23.52

33	78.71	24.40
34	80.49	25.31
35	82.26	26.24
36	84.02	27.19
37	85.77	28.17
38	87.50	29.16
39	89.22	30.18
40	90.93	31.22
41	92.63	32.28
42	94.31	33.37
43	95.97	34.47
44	97.63	35.59
45	99.27	36.74
46	100.89	37.91
47	102.50	39.09
48	104.10	40.30
49	105.68	41.52
50	107.24	42.77
51	108.79	44.04
52	110.32	45.32
53	111.84	46.63
54	112.98	47.63

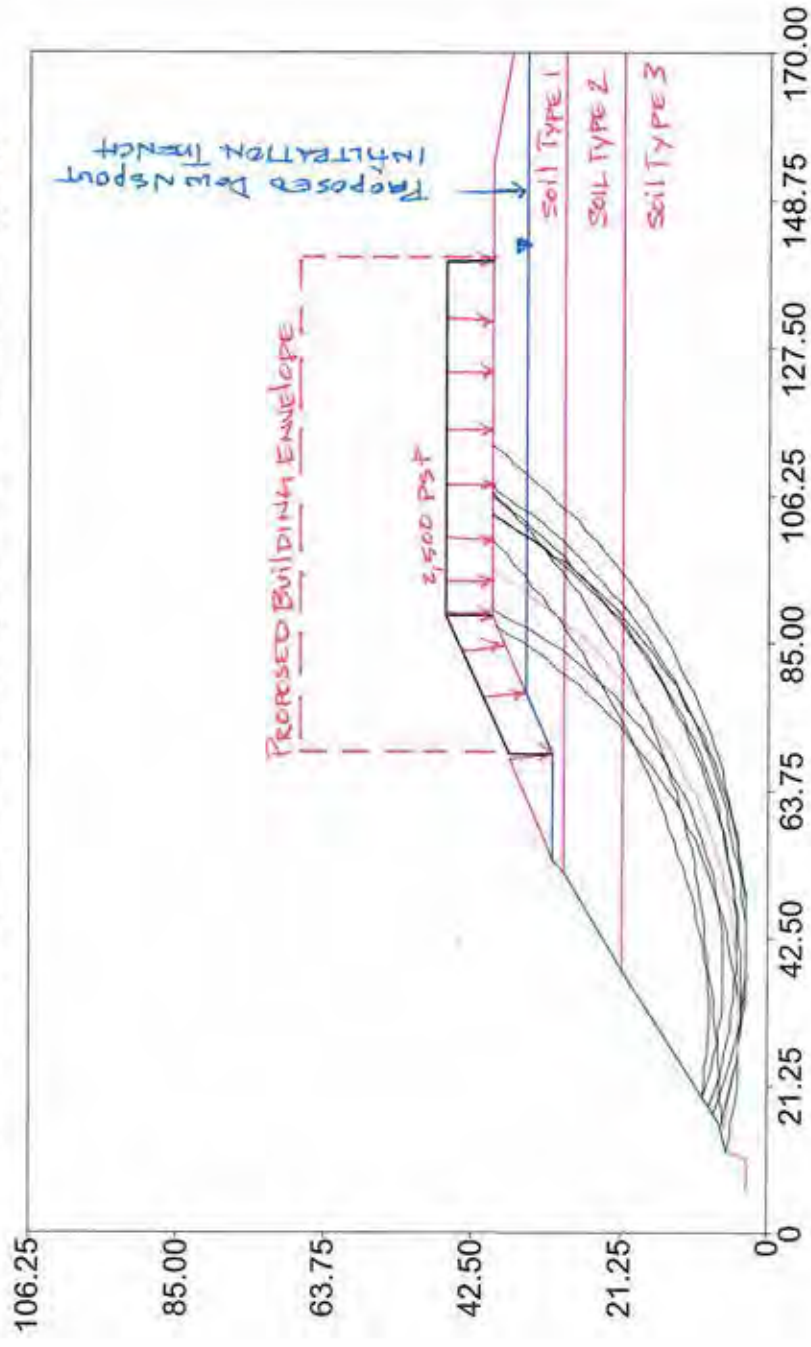
Circle Center At X = 7.5 ; Y = 166.3 and Radius, 158.8

*** 2.383 ***

Failure Surface Specified By 54 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	15.56	6.89
2	17.56	6.89
3	19.56	6.93
4	21.55	7.00
5	23.55	7.10
6	25.55	7.23
7	27.54	7.40
8	29.53	7.60
9	31.52	7.83
10	33.50	8.09
11	35.48	8.39
12	37.45	8.71
13	39.42	9.07
14	41.38	9.47
15	43.33	9.89
16	45.28	10.34
17	47.22	10.83
18	49.15	11.35

Lot 12 C-C (Proposed Static with Bldg Load and Water Surface Applied)



Safety Factors

2.07
2.10
2.12
2.13
2.13
2.13
2.16
2.16
2.17
2.19

** PCSTABL6 **

by
Purdue University

modified by
Peter J. Bosscher
University of Wisconsin-Madison

--Slope Stability Analysis--
Simplified Janbu, Simplified Bishop
or Spencer's Method of Slices

PROBLEM DESCRIPTION Lot 12 C-C (Proposed Static with Bldg Load and Water Surface Applied)

BOUNDARY COORDINATES

12 Top Boundaries
14 Total Boundaries

Type	Boundary	X-Left	Y-Left	X-Right	Y-Right	Soil
Bnd	No.	(ft)	(ft)	(ft)	(ft)	Below
	1	6.00	3.00	11.00	3.00	3
	2	11.00	3.00	12.00	6.00	3
	3	12.00	6.00	16.00	7.00	3
	4	16.00	7.00	38.00	21.00	3
	5	38.00	21.00	52.00	29.50	2
	6	52.00	29.50	54.00	31.00	1
	7	54.00	31.00	56.00	32.00	1
	8	56.00	32.00	68.50	37.50	1
	9	68.50	37.50	69.00	31.00	1
	10	69.00	31.00	89.00	40.00	1
	11	89.00	40.00	154.00	40.00	1
	12	154.00	40.00	170.00	37.00	1
	13	52.00	29.50	170.00	29.50	2
	14	38.00	21.00	170.00	21.00	3

ISOTROPIC SOIL PARAMETERS

3 Type(s) of Soil

Piez. Surface No.	Soil Type No.	Total Unit Wt. (pcf)	Saturated Unit Wt. (pcf)	Cohesion Intercept (psf)	Friction Angle (deg)	Pore Pressure Param.	Pressure Constant (psf)
1	1	125.0	130.0	100.0	34.0	0.00	0.0
1	2	120.0	125.0	100.0	34.0	0.00	0.0
1	3	110.0	115.0	1500.0	32.0	0.00	0.0

1 PIEZOMETRIC SURFACE(S) HAVE BEEN SPECIFIED

Unit Weight of Water = 62.40

Piezometric Surface No. 1 Specified by 8 Coordinate Points

Point No.	X-Water (ft)	Y-Water (ft)
1	12.00	6.00
2	16.00	7.00
3	38.00	21.00
4	52.00	29.50
5	54.00	31.00
6	69.00	31.00
7	78.00	35.00
8	170.00	35.00

BOUNDARY LOAD(S)

2 Load(s) Specified

Load No.	X-Left (ft)	X-Right (ft)	Intensity (lb/sqft)	Deflection (deg)
1	69.00	89.00	2500.0	0.0
2	89.00	140.00	2500.0	0.0

NOTE - Intensity Is Specified As A Uniformly Distributed Force Acting On A Horizontally Projected Surface.

A Critical Failure Surface Searching Method, Using A Random Technique For Generating Circular Surfaces, Has Been Specified.

100 Trial Surfaces Have Been Generated.

10 Surfaces Initiate From Each Of 10 Points Equally Spaced Along The Ground Surface Between X = 12.00 ft.
and X = 20.00 ft.

Each Surface Terminates Between X = 52.00 ft.
and X = 154.00 ft.

Unless Further Limitations Were Imposed, The Minimum Elevation At Which A Surface Extends Is Y = 3.00 ft.

2.00 ft. Line Segments Define Each Trial Failure Surface.

Following Are Displayed The Ten Most Critical Of The Trial Failure Surfaces Examined. They Are Ordered - Most Critical First.

* * Safety Factors Are Calculated By The Modified Bishop Method

* *

Failure Surface Specified By 49 Coordinate Points

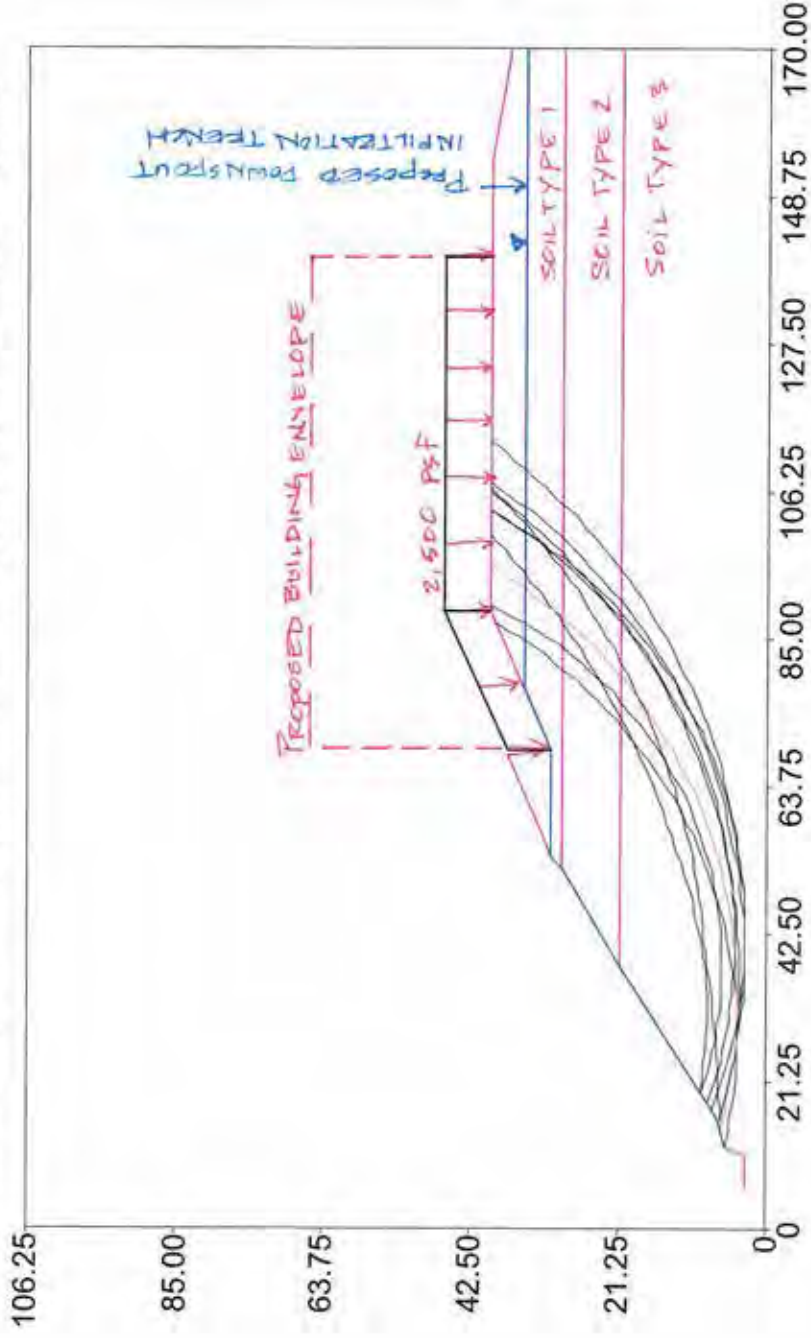
Point No.	X-Surf (ft)	Y-Surf (ft)
1	14.67	6.67

2	16.61	6.18
3	18.56	5.75
4	20.52	5.37
5	22.50	5.05
6	24.48	4.78
7	26.47	4.56
8	28.46	4.40
9	30.46	4.30
10	32.46	4.25
11	34.46	4.26
12	36.46	4.32
13	38.45	4.43
14	40.45	4.61
15	42.43	4.83
16	44.41	5.11
17	46.39	5.45
18	48.35	5.84
19	50.30	6.29
20	52.23	6.78
21	54.16	7.34
22	56.06	7.94
23	57.95	8.60
24	59.82	9.31
25	61.67	10.07
26	63.50	10.88
27	65.31	11.74
28	67.09	12.65
29	68.84	13.61
30	70.57	14.61
31	72.27	15.67
32	73.94	16.77
33	75.58	17.92
34	77.18	19.11
35	78.75	20.35
36	80.29	21.62
37	81.79	22.95
38	83.26	24.31
39	84.68	25.71
40	86.07	27.15
41	87.42	28.63
42	88.73	30.14
43	89.99	31.69
44	91.21	33.28
45	92.38	34.90
46	93.52	36.55
47	94.60	38.23
48	95.64	39.94
49	95.67	40.00

Circle Center At X = 33.2 ; Y = 76.7 and Radius, 72.4

*** 2.065 ***

Lot 12 C-C (Proposed Pseudostatic with Bldg Load and Water Surface Applied)



Safety Factors

1.71
1.72
1.73
1.75
1.75
1.76
1.77
1.79
1.80
1.80

by
Purdue University

--Slope Stability Analysis--
Simplified Janbu, Simplified Bishop
or Spencer's Method of Slices

BOUNDARY COORDINATES

Type	Boundary	X-Left	Y-Left	X-Right	Y-Right	Soil
Bnd	No.	(ft)	(ft)	(ft)	(ft)	Below
	1	6.00	3.00	11.00	3.00	3
	2	11.00	3.00	12.00	6.00	3
	3	12.00	6.00	16.00	7.00	3
	4	16.00	7.00	38.00	21.00	3
	5	38.00	21.00	52.00	29.50	2
	6	52.00	29.50	54.00	31.00	1
	7	54.00	31.00	56.00	32.00	1
	8	56.00	32.00	68.50	37.50	1
	9	68.50	37.50	69.00	31.00	1
	10	69.00	31.00	89.00	40.00	1
	11	89.00	40.00	154.00	40.00	1
	12	154.00	40.00	170.00	37.00	1
	13	52.00	29.50	170.00	29.50	2
	14	38.00	21.00	170.00	21.00	3

3 Type(s) of Soil

Piez. Surface No.	Soil Type	Total Unit Wt. (pcf)	Saturated Unit Wt. (pcf)	Cohesion Intercept (psf)	Friction Angle (deg)	Pore Pressure Param.	Pressure Constant (psf)
1	1	125.0	130.0	100.0	34.0	0.00	0.0
1	2	120.0	125.0	100.0	34.0	0.00	0.0
1	3	110.0	115.0	1500.0	32.0	0.00	0.0

1 PIEZOMETRIC SURFACE(S) HAVE BEEN SPECIFIED

Unit Weight of Water = 62.40

Piezometric Surface No. 1 Specified by 8 Coordinate Points

Point No.	X-Water (ft)	Y-Water (ft)
1	12.00	6.00
2	16.00	7.00
3	38.00	21.00
4	52.00	29.50
5	54.00	31.00
6	69.00	31.00
7	78.00	35.00
8	170.00	35.00

A Horizontal Earthquake Loading Coefficient
Of 0.150 Has Been Assigned

A Vertical Earthquake Loading Coefficient
Of 0.000 Has Been Assigned

Cavitation Pressure = 0.0 psf

BOUNDARY LOAD(S)

2 Load(s) Specified

Load No.	X-Left (ft)	X-Right (ft)	Intensity (lb/sqft)	Deflection (deg)
1	69.00	89.00	2500.0	0.0
2	89.00	140.00	2500.0	0.0

NOTE - Intensity Is Specified As A Uniformly Distributed Force Acting On A Horizontally Projected Surface.

A Critical Failure Surface Searching Method, Using A Random Technique For Generating Circular Surfaces, Has Been Specified.

100 Trial Surfaces Have Been Generated.

10 Surfaces Initiate From Each Of 10 Points Equally Spaced Along The Ground Surface Between X = 12.00 ft.
and X = 20.00 ft.

Each Surface Terminates Between X = 52.00 ft.
and X = 154.00 ft.

Unless Further Limitations Were Imposed, The Minimum Elevation At Which A Surface Extends Is Y = 3.00 ft.

2.00 ft. Line Segments Define Each Trial Failure Surface.

Following Are Displayed The Ten Most Critical Of The Trial Failure Surfaces Examined. They Are Ordered - Most Critical First.

* * Safety Factors Are Calculated By The Modified Bishop Method

* *

Failure Surface Specified By 49 Coordinate Points

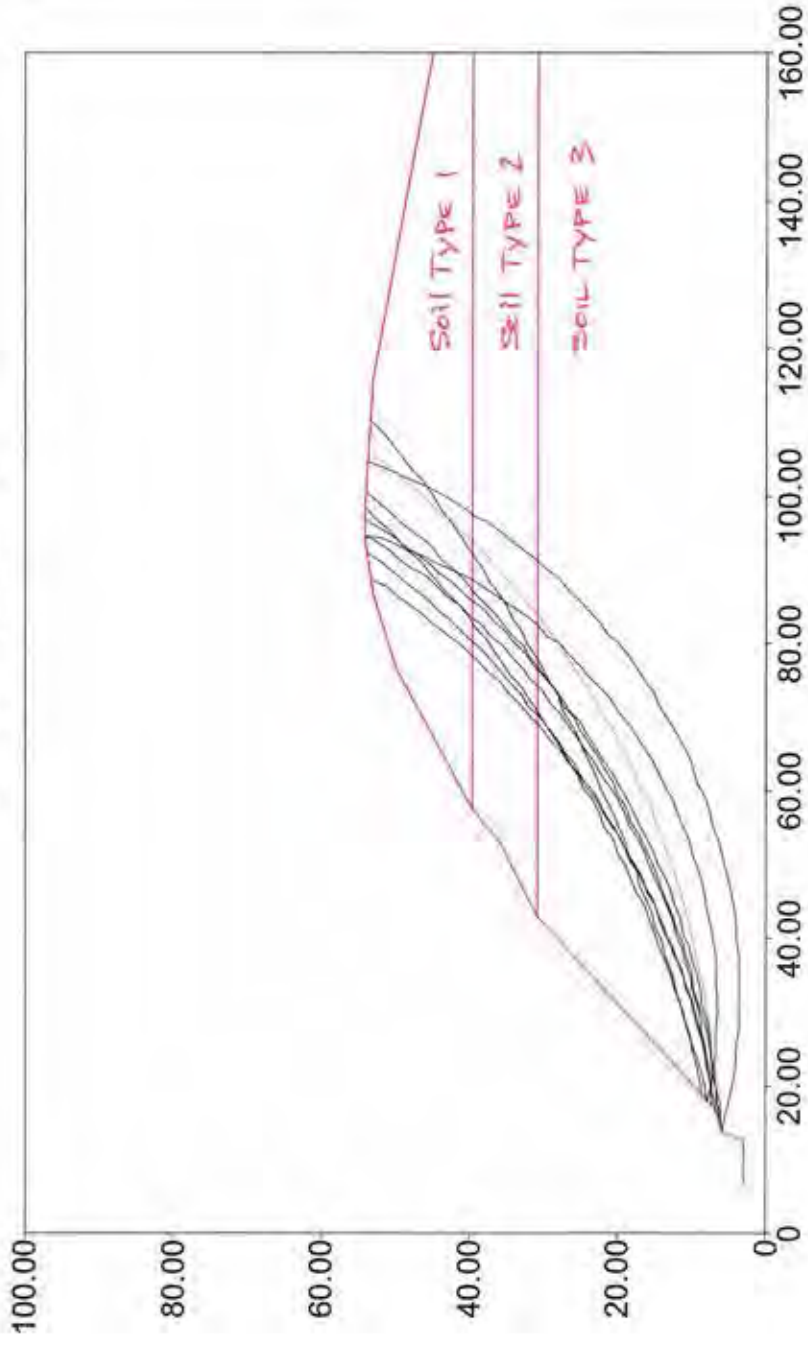
Point No.	X-Surf (ft)	Y-Surf (ft)
1	14.67	6.67

2	16.61	6.18
3	18.56	5.75
4	20.52	5.37
5	22.50	5.05
6	24.48	4.78
7	26.47	4.56
8	28.46	4.40
9	30.46	4.30
10	32.46	4.25
11	34.46	4.26
12	36.46	4.32
13	38.45	4.43
14	40.45	4.61
15	42.43	4.83
16	44.41	5.11
17	46.39	5.45
18	48.35	5.84
19	50.30	6.29
20	52.23	6.78
21	54.16	7.34
22	56.06	7.94
23	57.95	8.60
24	59.82	9.31
25	61.67	10.07
26	63.50	10.88
27	65.31	11.74
28	67.09	12.65
29	68.84	13.61
30	70.57	14.61
31	72.27	15.67
32	73.94	16.77
33	75.58	17.92
34	77.18	19.11
35	78.75	20.35
36	80.29	21.62
37	81.79	22.95
38	83.26	24.31
39	84.68	25.71
40	86.07	27.15
41	87.42	28.63
42	88.73	30.14
43	89.99	31.69
44	91.21	33.28
45	92.38	34.90
46	93.52	36.55
47	94.60	38.23
48	95.64	39.94
49	95.67	40.00

Circle Center At X = 33.2 ; Y = 76.7 and Radius, 72.4

*** 1.709 ***

Lot 13 D-D (Exist Static)



Safety Factors

2.82
2.83
2.84
2.85
2.92
2.94
2.94
2.95
2.96
2.96

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by
Purdue University

modified by
Peter J. Bosscher
University of Wisconsin-Madison

--Slope Stability Analysis--
Simplified Janbu, Simplified Bishop
or Spencer's Method of Slices

PROBLEM DESCRIPTION Lot 13 D-D (Exist Static)

BOUNDARY COORDINATES

12 Top Boundaries
14 Total Boundaries

Type	Boundary	X-Left	Y-Left	X-Right	Y-Right	Soil
Bnd	No.	(ft)	(ft)	(ft)	(ft)	Below
	1	7.00	3.00	13.00	3.00	3
	2	13.00	3.00	14.00	6.00	3
	3	14.00	6.00	17.00	7.00	3
	4	17.00	7.00	43.00	31.00	3
	5	43.00	31.00	53.00	36.00	2
	6	53.00	36.00	57.50	39.50	2
	7	57.50	39.50	77.00	50.00	1
	8	77.00	50.00	87.00	53.00	1
	9	87.00	53.00	94.00	54.00	1
	10	94.00	54.00	99.00	54.00	1
	11	99.00	54.00	116.00	53.00	1
	12	116.00	53.00	160.00	45.00	1
	13	57.50	39.50	160.00	39.50	2
	14	43.00	31.00	160.00	31.00	3

ISOTROPIC SOIL PARAMETERS

3 Type(s) of Soil

Piez. Surface No.	Soil Type No.	Total Unit Wt. (pcf)	Saturated Unit Wt. (pcf)	Cohesion Intercept (psf)	Friction Angle (deg)	Pore Pressure Param.	Pressure Constant (psf)
0	1	125.0	125.0	100.0	34.0	0.00	0.0
0	2	120.0	120.0	100.0	34.0	0.00	0.0
0	3	110.0	110.0	1500.0	32.0	0.00	0.0

A Critical Failure Surface Searching Method, Using A Random Technique For Generating Circular Surfaces, Has Been Specified.

100 Trial Surfaces Have Been Generated.

10 Surfaces Initiate From Each Of 10 Points Equally Spaced Along The Ground Surface Between X = 14.00 ft.
and X = 20.00 ft.

Each Surface Terminates Between X = 43.00 ft.
and X = 160.00 ft.

Unless Further Limitations Were Imposed, The Minimum Elevation At Which A Surface Extends Is Y = 3.00 ft.

2.00 ft. Line Segments Define Each Trial Failure Surface.

Following Are Displayed The Ten Most Critical Of The Trial Failure Surfaces Examined. They Are Ordered - Most Critical First.

* * Safety Factors Are Calculated By The Modified Bishop Method

* *

Failure Surface Specified By 54 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	16.67	6.89
2	18.67	6.96
3	20.66	7.07
4	22.66	7.22
5	24.65	7.39
6	26.64	7.61
7	28.62	7.85
8	30.60	8.14
9	32.58	8.45
10	34.55	8.80
11	36.51	9.19
12	38.47	9.61
13	40.41	10.06
14	42.35	10.55
15	44.28	11.07
16	46.21	11.62
17	48.12	12.21
18	50.02	12.83
19	51.91	13.48
20	53.79	14.17
21	55.65	14.89
22	57.51	15.64
23	59.35	16.43
24	61.17	17.24
25	62.98	18.09
26	64.78	18.97
27	66.56	19.88
28	68.33	20.82
29	70.08	21.79
30	71.81	22.79
31	73.52	23.82
32	75.21	24.88
33	76.89	25.97
34	78.55	27.09
35	80.19	28.24
36	81.80	29.42
37	83.40	30.62
38	84.97	31.86
39	86.53	33.12
40	88.06	34.40
41	89.57	35.72
42	91.05	37.06
43	92.52	38.42

44	93.95	39.81
45	95.37	41.23
46	96.76	42.66
47	98.12	44.13
48	99.46	45.61
49	100.77	47.12
50	102.05	48.66
51	103.31	50.21
52	104.54	51.79
53	105.75	53.38
54	105.90	53.59

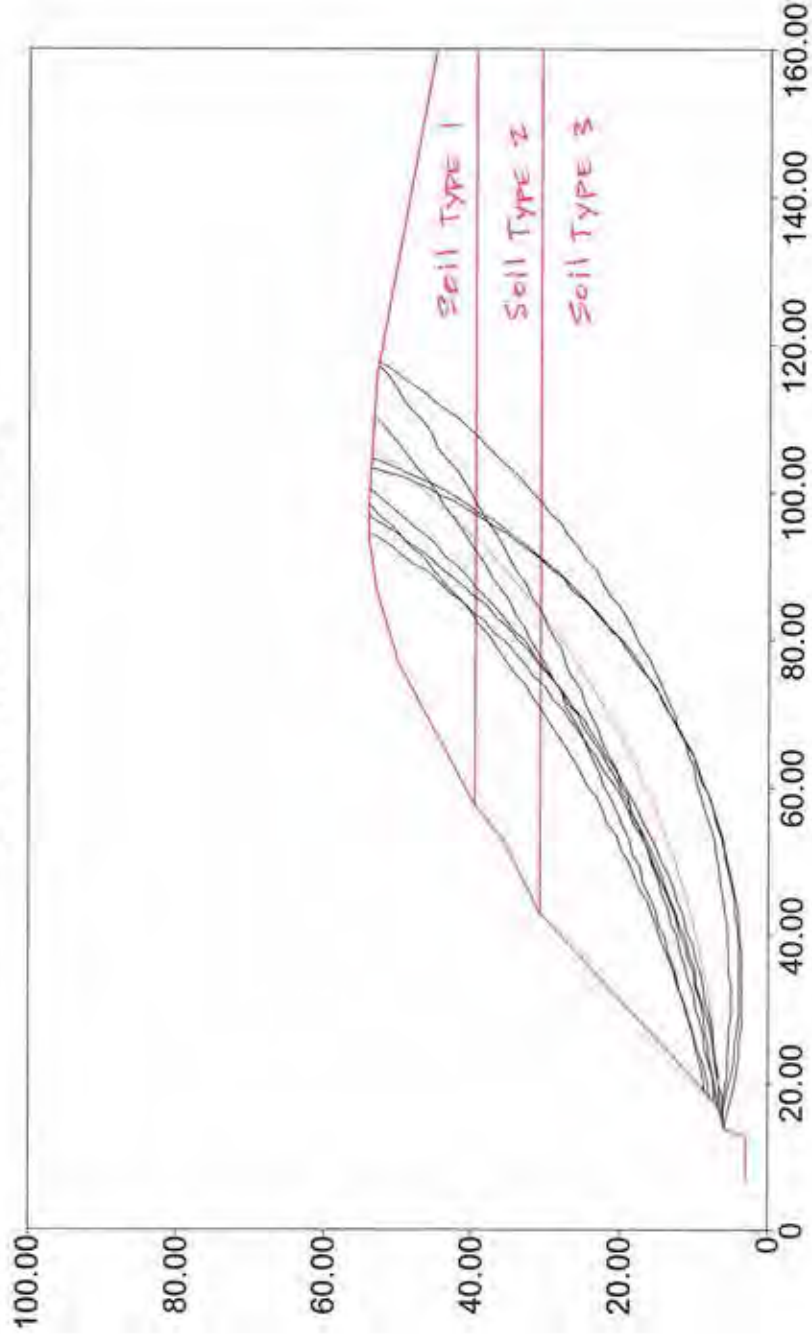
Circle Center At X = 13.4 ; Y = 121.7 and Radius, 114.8

*** 2.822 ***

Failure Surface Specified By 51 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	15.33	6.44
2	17.33	6.58
3	19.32	6.75
4	21.31	6.95
5	23.30	7.20
6	25.28	7.48
7	27.25	7.81
8	29.22	8.17
9	31.18	8.56
10	33.13	9.00
11	35.07	9.47
12	37.01	9.98
13	38.93	10.53
14	40.84	11.11
15	42.74	11.73
16	44.63	12.39
17	46.51	13.08
18	48.37	13.81
19	50.22	14.58
20	52.05	15.38
21	53.87	16.21
22	55.67	17.08
23	57.46	17.99
24	59.22	18.92
25	60.97	19.90
26	62.70	20.90
27	64.41	21.94
28	66.10	23.01
29	67.77	24.11

Lot 13 D-D (Exist Pseudostatic)



Safety Factors

2.17
2.21
2.22
2.22
2.22
2.23
2.26
2.27
2.29
2.31

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by
Purdue University

modified by
Peter J. Bosscher
University of Wisconsin-Madison

--Slope Stability Analysis--
Simplified Janbu, Simplified Bishop
or Spencer's Method of Slices

PROBLEM DESCRIPTION Lot 13 D-D (Exist Pseudostatic)

BOUNDARY COORDINATES

12 Top Boundaries
14 Total Boundaries

Type	Boundary	X-Left	Y-Left	X-Right	Y-Right	Soil
Bnd	No.	(ft)	(ft)	(ft)	(ft)	Below
	1	7.00	3.00	13.00	3.00	3
	2	13.00	3.00	14.00	6.00	3
	3	14.00	6.00	17.00	7.00	3
	4	17.00	7.00	43.00	31.00	3
	5	43.00	31.00	53.00	36.00	2
	6	53.00	36.00	57.50	39.50	2
	7	57.50	39.50	77.00	50.00	1
	8	77.00	50.00	87.00	53.00	1
	9	87.00	53.00	94.00	54.00	1
	10	94.00	54.00	99.00	54.00	1
	11	99.00	54.00	116.00	53.00	1
	12	116.00	53.00	160.00	45.00	1
	13	57.50	39.50	160.00	39.50	2
	14	43.00	31.00	160.00	31.00	3

ISOTROPIC SOIL PARAMETERS

3 Type(s) of Soil

Piez. Surface No.	Soil Type No.	Total Unit Wt. (pcf)	Saturated Unit Wt. (pcf)	Cohesion Intercept (psf)	Friction Angle (deg)	Pore Pressure Param. (psf)	Pressure Constant (psf)
0	1	125.0	125.0	100.0	34.0	0.00	0.0
0	2	120.0	120.0	100.0	34.0	0.00	0.0
0	3	110.0	110.0	1500.0	32.0	0.00	0.0

A Horizontal Earthquake Loading Coefficient
Of 0.150 Has Been Assigned

A Vertical Earthquake Loading Coefficient
Of 0.000 Has Been Assigned

Cavitation Pressure = 0.0 psf

A Critical Failure Surface Searching Method, Using A Random
Technique For Generating Circular Surfaces, Has Been Specified.

100 Trial Surfaces Have Been Generated.

10 Surfaces Initiate From Each Of 10 Points Equally Spaced
Along The Ground Surface Between X = 14.00 ft.
and X = 20.00 ft.

Each Surface Terminates Between X = 43.00 ft.
and X = 160.00 ft.

Unless Further Limitations Were Imposed, The Minimum Elevation
At Which A Surface Extends Is Y = 3.00 ft.

2.00 ft. Line Segments Define Each Trial Failure Surface.

Following Are Displayed The Ten Most Critical Of The Trial Failure Surfaces Examined. They Are Ordered - Most Critical First.

* * Safety Factors Are Calculated By The Modified Bishop Method

Failure Surface Specified By 54 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	16.67	6.89
2	18.67	6.96
3	20.66	7.07
4	22.66	7.22
5	24.65	7.39
6	26.64	7.61
7	28.62	7.85
8	30.60	8.14
9	32.58	8.45
10	34.55	8.80
11	36.51	9.19
12	38.47	9.61
13	40.41	10.06
14	42.35	10.55
15	44.28	11.07
16	46.21	11.62
17	48.12	12.21
18	50.02	12.83
19	51.91	13.48
20	53.79	14.17
21	55.65	14.89
22	57.51	15.64
23	59.35	16.43
24	61.17	17.24
25	62.98	18.09
26	64.78	18.97
27	66.56	19.88
28	68.33	20.82
29	70.08	21.79
30	71.81	22.79
31	73.52	23.82
32	75.21	24.88
33	76.89	25.97

34	78.55	27.09
35	80.19	28.24
36	81.80	29.42
37	83.40	30.62
38	84.97	31.86
39	86.53	33.12
40	88.06	34.40
41	89.57	35.72
42	91.05	37.06
43	92.52	38.42
44	93.95	39.81
45	95.37	41.23
46	96.76	42.66
47	98.12	44.13
48	99.46	45.61
49	100.77	47.12
50	102.05	48.66
51	103.31	50.21
52	104.54	51.79
53	105.75	53.38
54	105.90	53.59

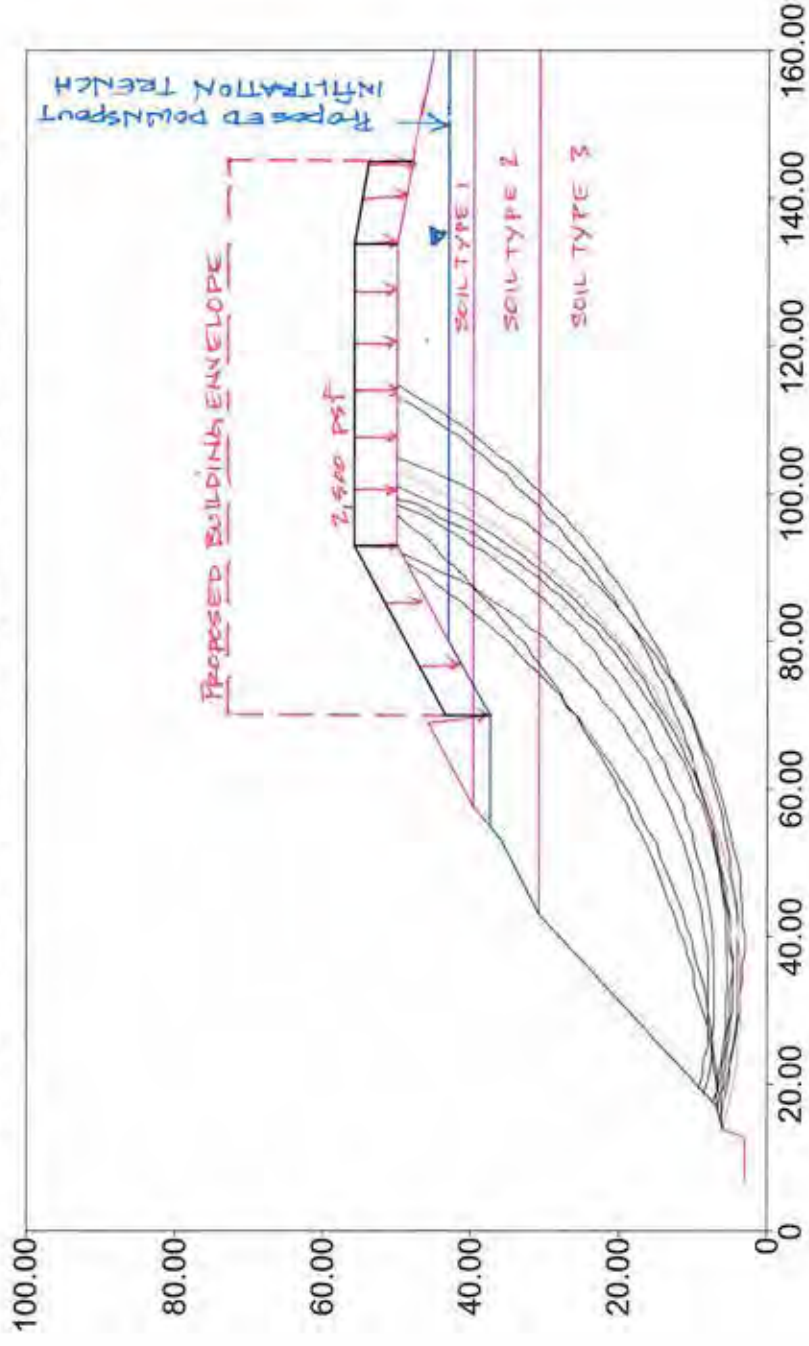
Circle Center At X = 13.4 ; Y = 121.7 and Radius, 114.8

*** 2.167 ***

Failure Surface Specified By 57 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	16.67	6.89
2	18.63	7.28
3	20.59	7.68
4	22.54	8.10
5	24.49	8.54
6	26.44	9.00
7	28.39	9.47
8	30.32	9.96
9	32.26	10.46
10	34.19	10.98
11	36.12	11.52
12	38.04	12.07
13	39.96	12.64
14	41.87	13.23
15	43.78	13.83
16	45.68	14.45
17	47.57	15.09
18	49.47	15.74
19	51.35	16.40

Lot 13 D-D (Proposed Static with Bldg Load and Water Surface Applied)



Safety Factors

1.77
1.79
1.80
1.80
1.82
1.82
1.83
1.83
1.83
1.86

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by
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modified by
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University of Wisconsin-Madison

--Slope Stability Analysis--
Simplified Janbu, Simplified Bishop
or Spencer's Method of Slices

PROBLEM DESCRIPTION Lot 13 D-D (Proposed Static with Bldg Load and Water Surface Applied)

BOUNDARY COORDINATES

14 Top Boundaries
17 Total Boundaries

Type	Boundary	X-Left	Y-Left	X-Right	Y-Right	Soil
Bnd	No.	(ft)	(ft)	(ft)	(ft)	Below
	1	7.00	3.00	13.00	3.00	3
	2	13.00	3.00	14.00	6.00	3
	3	14.00	6.00	17.00	7.00	3
	4	17.00	7.00	43.00	31.00	3
	5	43.00	31.00	53.00	36.00	2
	6	53.00	36.00	55.00	37.50	2
	7	55.00	37.50	57.50	39.50	2
	8	57.50	39.50	69.00	46.00	1
	9	69.00	46.00	70.00	37.50	2
	10	70.00	37.50	74.00	39.50	2
	11	74.00	39.50	80.00	43.00	1
	12	80.00	43.00	93.00	50.00	1
	13	93.00	50.00	134.00	50.00	1
	14	134.00	50.00	160.00	45.00	1
	15	57.50	39.50	70.00	39.50	2
	16	74.00	39.50	160.00	39.50	2
	17	43.00	31.00	160.00	31.00	3

ISOTROPIC SOIL PARAMETERS

3 Type(s) of Soil

Piez. Surface No.	Soil Type No.	Total Unit Wt. (pcf)	Saturated Unit Wt. (pcf)	Cohesion Intercept (psf)	Friction Angle (deg)	Pore Pressure Param.	Pressure Constant (psf)
1	1	125.0	130.0	100.0	34.0	0.00	0.0
1	2	120.0	125.0	100.0	34.0	0.00	0.0
1	3	110.0	115.0	1500.0	32.0	0.00	0.0

1 PIEZOMETRIC SURFACE(S) HAVE BEEN SPECIFIED

Unit Weight of Water = 62.40

Piezometric Surface No. 1 Specified by 9 Coordinate Points

Point No.	X-Water (ft)	Y-Water (ft)
1	14.00	6.00
2	17.00	7.00
3	43.00	31.00
4	53.00	36.00
5	55.00	37.50
6	70.00	37.50
7	74.00	39.50
8	80.00	43.00
9	160.00	43.00

BOUNDARY LOAD(S)

3 Load(s) Specified

Load No.	X-Left (ft)	X-Right (ft)	Intensity (lb/sqft)	Deflection (deg)
1	70.00	93.00	2500.0	0.0
2	93.00	134.00	2500.0	0.0
3	134.00	145.00	2500.0	0.0

NOTE - Intensity Is Specified As A Uniformly Distributed
Force Acting On A Horizontally Projected Surface.

A Critical Failure Surface Searching Method, Using A Random
Technique For Generating Circular Surfaces, Has Been Specified.

100 Trial Surfaces Have Been Generated.

10 Surfaces Initiate From Each Of 10 Points Equally Spaced
Along The Ground Surface Between X = 14.00 ft.
and X = 20.00 ft.

Each Surface Terminates Between X = 43.00 ft.
and X = 160.00 ft.

Unless Further Limitations Were Imposed, The Minimum Elevation
At Which A Surface Extends Is Y = 3.00 ft.

2.00 ft. Line Segments Define Each Trial Failure Surface.

Following Are Displayed The Ten Most Critical Of The Trial
Failure Surfaces Examined. They Are Ordered - Most Critical
First.

* * Safety Factors Are Calculated By The Modified Bishop Method

* *

Failure Surface Specified By 56 Coordinate Points

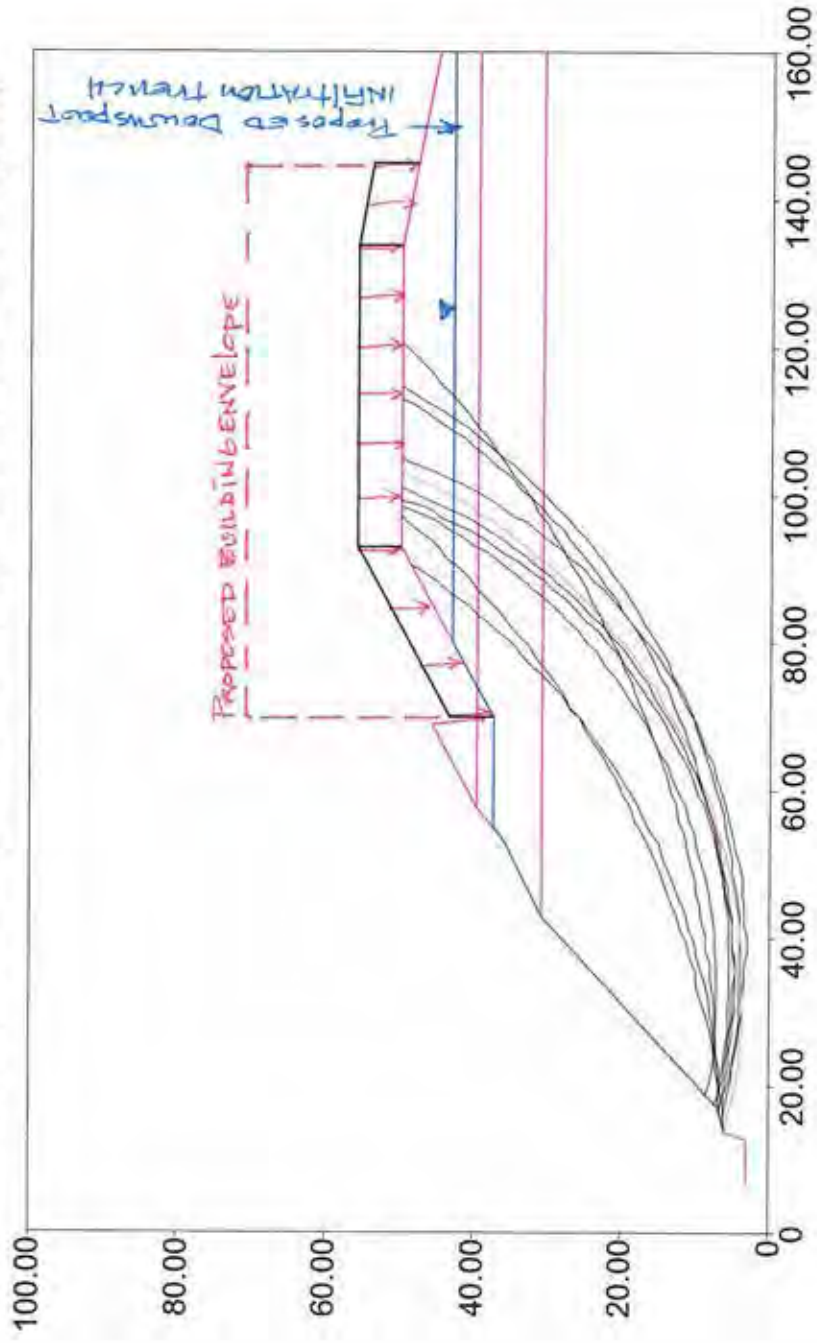
Point No.	X-Surf (ft)	Y-Surf (ft)
1	14.00	6.00
2	15.95	5.54
3	17.90	5.12
4	19.87	4.76
5	21.85	4.45
6	23.83	4.20
7	25.82	3.99

8	27.81	3.83
9	29.81	3.73
10	31.81	3.68
11	33.81	3.68
12	35.81	3.74
13	37.81	3.84
14	39.80	4.00
15	41.79	4.21
16	43.77	4.47
17	45.75	4.78
18	47.71	5.15
19	49.67	5.56
20	51.61	6.03
21	53.55	6.55
22	55.46	7.11
23	57.37	7.73
24	59.25	8.40
25	61.12	9.11
26	62.97	9.88
27	64.80	10.69
28	66.60	11.55
29	68.39	12.45
30	70.15	13.40
31	71.88	14.40
32	73.59	15.44
33	75.27	16.53
34	76.92	17.66
35	78.54	18.83
36	80.13	20.05
37	81.68	21.30
38	83.21	22.60
39	84.70	23.93
40	86.15	25.30
41	87.57	26.71
42	88.95	28.16
43	90.29	29.64
44	91.60	31.16
45	92.86	32.71
46	94.08	34.29
47	95.26	35.91
48	96.40	37.55
49	97.50	39.22
50	98.55	40.93
51	99.56	42.65
52	100.52	44.41
53	101.43	46.19
54	102.30	47.99
55	103.12	49.81
56	103.20	50.00

Circle Center At X = 32.7 ; Y = 80.4 and Radius, 76.7

*** 1.775 ***

Lot 13 D-D (Proposed Pseudostatic with Bldg Load and Water Surface Applied)



Safety Factors

1.47
1.49
1.50
1.50
1.50
1.50
1.51
1.54
1.54
1.54

by
Purdue University

modified by
Peter J. Bosscher
University of Wisconsin-Madison

--Slope Stability Analysis--
Simplified Janbu, Simplified Bishop
or Spencer's Method of Slices

PROBLEM DESCRIPTION Lot 13 D-D (Proposed Pseudostatic with B
ldg Load and Water Surface Applied)

BOUNDARY COORDINATES

```

14 Top    Boundaries
17 Total Boundaries

```

Type	Boundary	X-Left	Y-Left	X-Right	Y-Right	Soil
Bnd	No.	(ft)	(ft)	(ft)	(ft)	Below
	1	7.00	3.00	13.00	3.00	3
	2	13.00	3.00	14.00	6.00	3
	3	14.00	6.00	17.00	7.00	3
	4	17.00	7.00	43.00	31.00	3
	5	43.00	31.00	53.00	36.00	2
	6	53.00	36.00	55.00	37.50	2
	7	55.00	37.50	57.50	39.50	2
	8	57.50	39.50	69.00	46.00	1
	9	69.00	46.00	70.00	37.50	2
	10	70.00	37.50	74.00	39.50	2
	11	74.00	39.50	80.00	43.00	1
	12	80.00	43.00	93.00	50.00	1
	13	93.00	50.00	134.00	50.00	1
	14	134.00	50.00	160.00	45.00	1

15	57.50	39.50	70.00	39.50	2
16	74.00	39.50	160.00	39.50	2
17	43.00	31.00	160.00	31.00	3

ISOTROPIC SOIL PARAMETERS

3 Type(s) of Soil

Piez. Surface No.	Soil	Total	Saturated	Cohesion	Friction	Pore	Pressure
	Type	Unit Wt.	Unit Wt.	Intercept	Angle	Pressure	Constant
	No.	(pcf)	(pcf)	(psf)	(deg)	Param.	(psf)
1	1	125.0	130.0	100.0	34.0	0.00	0.0
1	2	120.0	125.0	100.0	34.0	0.00	0.0
1	3	110.0	115.0	1500.0	32.0	0.00	0.0

1 PIEZOMETRIC SURFACE(S) HAVE BEEN SPECIFIED

Unit Weight of Water = 62.40

Piezometric Surface No. 1 Specified by 9 Coordinate Points

Point No.	X-Water (ft)	Y-Water (ft)
1	14.00	6.00
2	17.00	7.00
3	43.00	31.00
4	53.00	36.00
5	55.00	37.50
6	70.00	37.50
7	74.00	39.50
8	80.00	43.00
9	160.00	43.00

A Horizontal Earthquake Loading Coefficient

Of 0.150 Has Been Assigned

A Vertical Earthquake Loading Coefficient
Of 0.000 Has Been Assigned

Cavitation Pressure = 0.0 psf

BOUNDARY LOAD(S)

3 Load(s) Specified

Load No.	X-Left (ft)	X-Right (ft)	Intensity (lb/sqft)	Deflection (deg)
1	70.00	93.00	2500.0	0.0
2	93.00	134.00	2500.0	0.0
3	134.00	145.00	2500.0	0.0

NOTE - Intensity Is Specified As A Uniformly Distributed
Force Acting On A Horizontally Projected Surface.

A Critical Failure Surface Searching Method, Using A Random
Technique For Generating Circular Surfaces, Has Been Specified.

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2.00 ft. Line Segments Define Each Trial Failure Surface.

Following Are Displayed The Ten Most Critical Of The Trial

Failure Surfaces Examined. They Are Ordered - Most Critical First.

* * Safety Factors Are Calculated By The Modified Bishop Method

* *

Failure Surface Specified By 56 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	14.00	6.00
2	15.95	5.54
3	17.90	5.12
4	19.87	4.76
5	21.85	4.45
6	23.83	4.20
7	25.82	3.99
8	27.81	3.83
9	29.81	3.73
10	31.81	3.68
11	33.81	3.68
12	35.81	3.74
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26	62.97	9.88
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51	99.56	42.65
52	100.52	44.41
53	101.43	46.19
54	102.30	47.99
55	103.12	49.81
56	103.20	50.00

Circle Center At X = 32.7 ; Y = 80.4 and Radius, 76.7

*** 1.474 ***

Failure Surface Specified By 53 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	16.67	6.89
2	18.61	6.43
3	20.57	6.02
4	22.54	5.68
5	24.52	5.38
6	26.51	5.15
7	28.50	4.97
8	30.49	4.84
9	32.49	4.78
10	34.49	4.77
11	36.49	4.82
12	38.49	4.92
13	40.48	5.08
14	42.47	5.30
15	44.45	5.57
16	46.42	5.90
17	48.39	6.29
18	50.34	6.73
19	52.27	7.23
20	54.20	7.78
21	56.10	8.39
22	57.99	9.05
23	59.86	9.76
24	61.71	10.53



TERRA ASSOCIATES, Inc.

Consultants in Geotechnical Engineering, Geology
and
Environmental Earth Sciences

EXHIBIT 18

October 24, 2013
Project No. T-6915-1

Mr. Wes Giesbrecht
MI 84th Limited Partnership
15080 North Bluff Road
White Rock, B.C. V4B5C1

Subject: Response to City of Mercer Island Review Comments
Coval Property
Mercer Island, Washington

- References:
1. Letter, Notice of Incompleteness for File No. SUB13-009 – Coval Long Subdivision, prepared by the City of Mercer Island, dated October 22, 2013
 2. Response to City of Mercer Island Review Comments, Coval Property, Project No. T-6915-1, prepared by Terra Associates, Inc., dated October 7, 2013
 3. Geotechnical Report, Coval Property, Project No. T-6915, prepared by Terra Associates, Inc., dated July 29, 2013

Dear Mr. Giesbrecht:

The referenced Notice of Incompleteness letter prepared by the City of Mercer Island requests that the geotechnical engineer provide a statement of risk that affirms that one of the four criteria in Mercer Island City Code (MICC) 19.07.060(D)(2)(a-d) is being met, and that is presented using the code language. Based on the results of our geotechnical study presented in the referenced reports, we are providing the following statement of risk for the subject project:

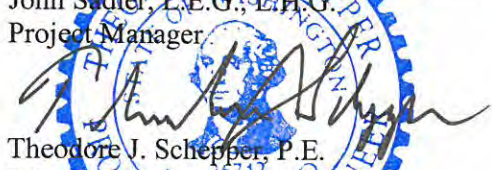
Provided that the excavation and grading for planned site development are completed in accordance with the project plans and our geotechnical recommendations, it is our opinion that the planned construction will not pose a risk to the site and/or the adjacent properties and will be mitigated through Best Management Practices such that the site is safe with regard to any erosion hazard and landslide hazard concerns. Development practices are proposed for the alterations that would render the affected lots as safe as if they were not located in a geologic hazard area. It is also our opinion that the proposed building pads will not pose a risk to the site and/or the adjacent properties, and that any hazards can be mitigated through Best Management Practices such that the site is safe with regard to such. Development practices related to grading, drainage, and erosion prevention and sedimentation control are proposed for the alterations that would render the affected areas of the planned development as safe as if they were not located in a geologic hazard area.

Mr. Wes Giesbrecht
October 24, 2013

We trust the information presented is sufficient for your current needs. If you have any questions or require additional information, please call.

Sincerely yours,
TERRA ASSOCIATES, INC.


John Sadler, L.E.G., L.H.G.
Project Manager


Theodore J. Schepper, P.E.
Principal

cc: Mr. Scott Borgeson, PacLand

10-24-13

Stormwater/Drainage

STORMWATER SITE PLAN

COVAL PROPERTY

MERCER ISLAND, WA

OCTOBER 7, 2013



10/7/2013

PREPARED FOR:

Rykon Group Holdings Inc.
15080 North Bluff Road
White Rock, BC V4B 5C1
Mr. Rod Voth

PREPARED BY:



11711 SE 8th Street, Suite 303
Bellevue, Washington 98005
Phone (425) 453-9501 x1516
Fax (425) 453-8208
Email apust@pacland.com
April Pust, E.I.T.

REVIEWED BY:

Scott Borgeson, P.E.
Email sborgeson@pacland.com

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PROJECT OVERVIEW

PROPOSED IMPROVEMENTS

The proposed development consists of the construction of eighteen (18) single-family homes with associated driveways, stormwater management facilities, utilities and landscaping on a 5.1-acre site in Mercer Island, Washington. The property is zoned R-9.6 Multi-Family.

DESIGN CRITERIA

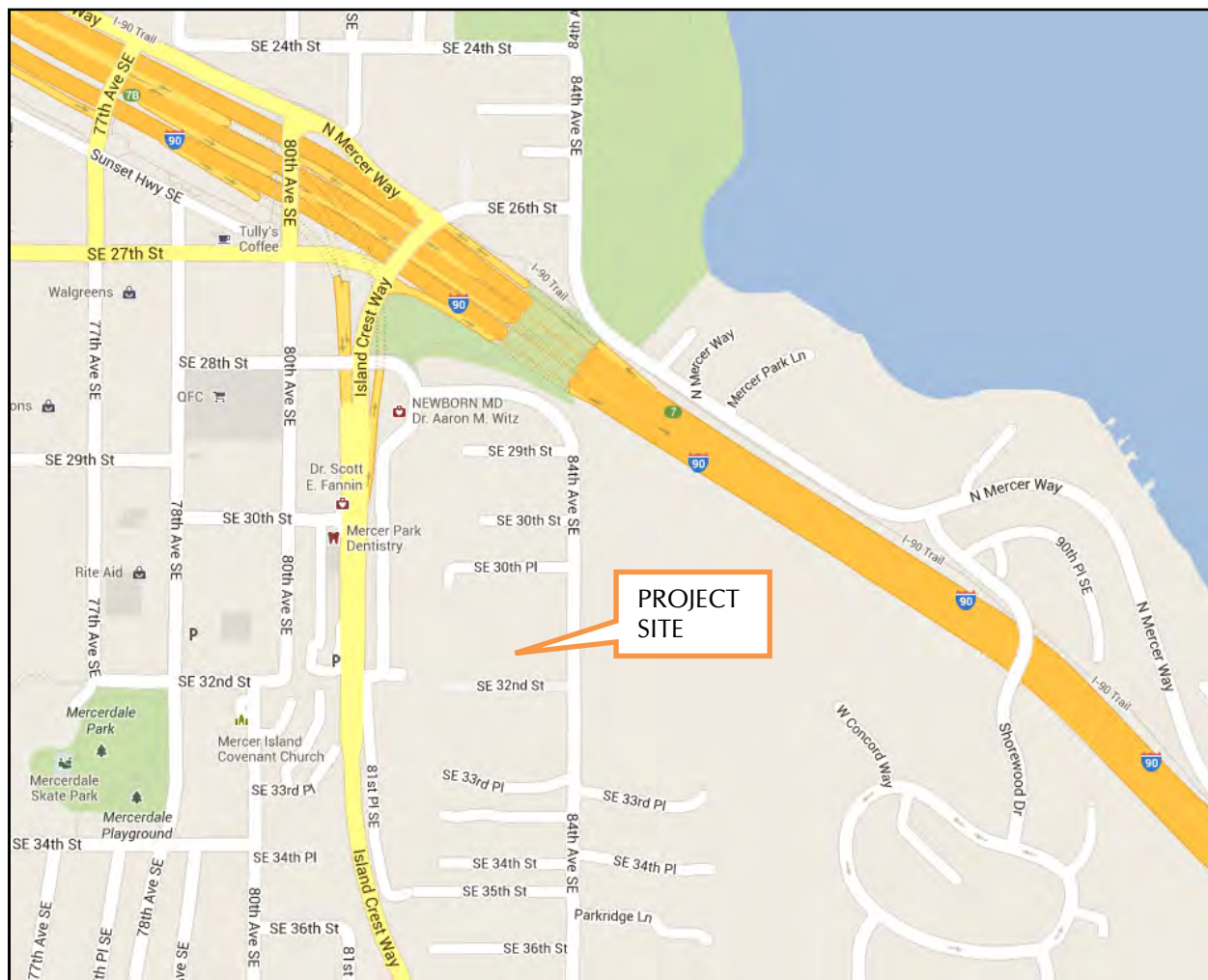
The City of Mercer Island utilizes the 2005 Washington State Department of Ecology Stormwater Management Manual for Western Washington (DOE Manual) drainage requirements. Stormwater discharges shall match developed discharge durations to pre-developed durations for the range of pre-developed discharge rates from 50% of the 2-year peak flow up to the full 50-year peak flow. The pre-developed condition to be matched shall be a forested land cover.

JURISDICTIONAL REQUIREMENTS

Table 1 below summarizes the City of Bellevue stormwater requirements.

TABLE 1 Jurisdictional Requirements	
Duration Analysis:	
2-year:	Reduce to ½ pre-developed duration
50-year:	Match pre-developed
Water Quality Volume:	N/A
Water Quality Flow Rate:	Full 2-year detained release rate
Downstream Analysis:	
Level 1:	¼ mile downstream

PROJECT LOCATION



Location: 3051 84th Avenue SE, Mercer Island, WA

Section, Township, Range: Section 12, Township 24 N, Range 4 E W.M.

Tax Account Number: 122404-9010

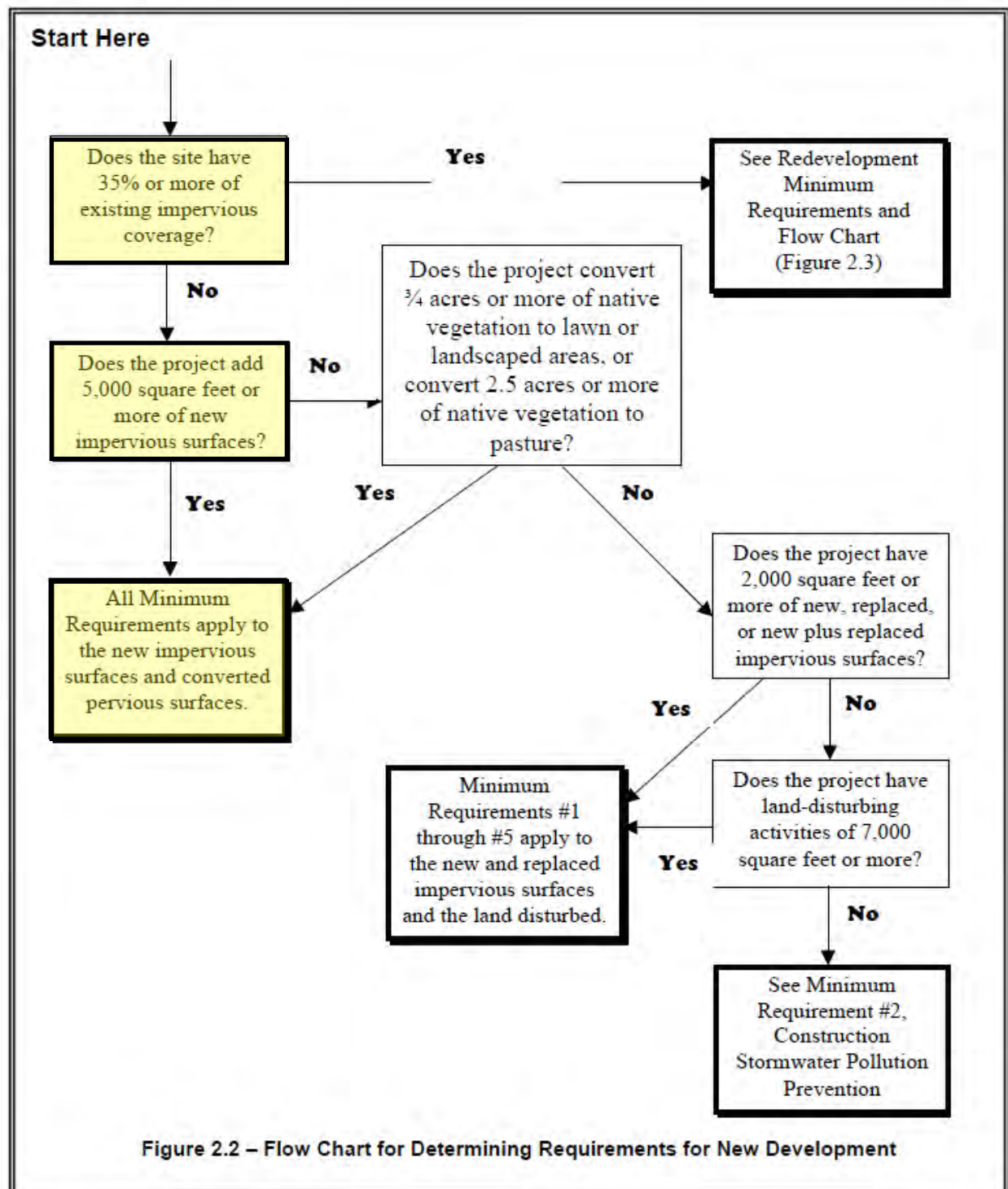
Size: 221,975 SF (5.1 AC)

City, County, State: Mercer Island, King County, Washington State

Governing Agency: City of Mercer Island

Design Criteria: 2005 Washington State Department of Ecology Stormwater Management Manual

Zoning: R-9.6

MINIMUM REQUIREMENTS

Minimum Requirement #1: Preparation of Stormwater Site Plans

All projects meeting the thresholds in Section 2.4 shall prepare a Stormwater Site Plan for local government review.

Response: *A stormwater site plan has been prepared for the proposed development. The stormwater site plan includes the design drawings and this report.*

Minimum Requirement #2: Construction Stormwater Pollution Prevention (SWPPP)

All new development and redevelopment shall comply with Construction SWPPP Elements #1 through #12. Projects in which the new, replaced, or new plus replaced impervious surfaces total 2,000 square feet or more, or disturb 7,000 square feet or more of land must prepare a Construction SWPPP Plan (SWPPP) as part of the Stormwater Site Plan. Each of the twelve elements must be considered and included in the Construction SWPPP unless site conditions render the element unnecessary and the exemption from that element is clearly justified in the narrative of the SWPPP.

Projects that add or replace less than 2,000 square feet of impervious surface or disturb less than 7,000 square feet of land are not required to prepare a Construction SWPPP, but must consider all of the twelve Elements of Construction Stormwater Pollution Prevention and develop controls for all elements that pertain to the project site.

Response: *The 12 elements of a SWPPP are addressed in the Construction SWPPP section of this report. A full Construction SWPPP will be prepared per City of Mercer Island requirements.*

Minimum Requirement #3: Source Control of Pollution

All known, available and reasonable source control BMPs shall be applied to all projects. Source control BMPs shall be selected, designed, and maintained according to the manual.

Response: *All available and reasonable source control BMPs will be applied to this project. This includes, but is not limited to, Dust Control at Disturbed Land Areas, Landscaping and Lawn/Vegetation Management and Maintenance of Stormwater Drainage and Treatment Systems.*

Minimum Requirement #4: Preservation of Natural Drainage Systems and Outfalls

Natural drainage patterns shall be maintained, and discharges from the project site shall occur at the natural location, to the maximum extent practicable. The manner by which runoff is discharged from the project site must not cause a significant adverse impact to downstream receiving waters and downgradient properties. All outfalls require energy dissipation.

Response: *Runoff from the proposed project will discharge to a new conveyance system that will replace the roadside ditch along 84th Avenue SE. From there, stormwater will be conveyed north and discharge to the natural outfall location (Lake Washington) as is the case in the existing condition. The onsite stormwater system will be designed to maintain existing drainage basins in the developed condition.*

Minimum Requirement #5: On-site Stormwater Management

Projects shall employ On-site Stormwater Management BMPs to infiltrate, disperse, and retain stormwater runoff onsite to the maximum extent feasible without causing flooding or erosion impacts. Roof Downspout Control BMPs, functionally equivalent to those described in Chapter 3 of Volume III, and Dispersion and Soil Quality BMPs, functionally equivalent to those in Chapter 5 of Volume V, shall be required to reduce the hydrologic disruption of developed sites.

Response: *On-site stormwater management will incorporate several key elements. A portion of the site runoff will be routed via catch basins and underground pipes directly to the proposed detention vault, where it will be controlled released at pre-developed discharge rates. Soil Quality BMPs will be implemented in landscaped areas to promote stormwater retention to the maximum extent practicable and bioretention/dry wells will be implemented in areas that contain soils suitable for infiltration.*

Minimum Requirement #6: Runoff Treatment**Thresholds**

The following require construction of stormwater treatment facilities (see Table 2.1):

- Projects in which the total of effective, pollution-generating impervious surface (PGIS) is 5,000 square feet or more in a threshold discharge area of the project, or
- Projects in which the total of pollution-generating pervious surfaces (PGPS) is three-quarters (3/4) of an acre or more in a threshold discharge area, and from which there is a surface discharge in a natural or man-made conveyance system from the site.

Response: *On-site runoff treatment of PGIS will be provided by means of a 60" StormFilter manhole upstream of the proposed detention vault.*

Minimum Requirement #7: Flow Control

Projects must provide flow control to reduce the impacts of stormwater runoff from impervious surfaces and land cover conversions. The requirement below applies to projects that discharge stormwater directly or indirectly through a conveyance system, into a fresh water.

Response: *The proposed stormwater system includes a detention vault that was sized for the entire project area, using the Western Washington Hydrology Model 3 (WWHM3) program.*

Minimum Requirement #8: Wetlands Protection

The wetland protection requirements apply only to projects whose stormwater discharges into a wetland, either directly or indirectly through a conveyance system. These requirements must be met in addition to meeting Minimum Requirement #6, Runoff Treatment.

Response: *The City of Mercer Island and its consultant have determined that no wetlands exist on the project site. Therefore, no wetlands will be impacted as part of this project.*

Minimum Requirement #9: Basin/Watershed Planning

Projects may be subject to equivalent or more stringent minimum requirements for erosion control, source control, treatment, and operation and maintenance, and alternative requirements for flow control and wetlands hydrologic control as identified in Basin/Watershed Plans. Basin/Watershed plans shall evaluate and include, as necessary, retrofitting urban stormwater BMPs into existing development and/or redevelopment in order to achieve watershed-wide pollutant reduction and flow control goals that are consistent with requirements of the federal Clean Water Act. Standards developed from basin plans shall not modify any of the above minimum requirements until the basin plan is formally adopted and implemented by the local governments within the basin, and approved or concurred with by Ecology.

Response: *There are no Basin/Watershed Planning requirements applicable to this project.*

Minimum Requirement #10: Operation and Maintenance

An operation and maintenance manual that is consistent with the provisions in Volume V of the DOE manual shall be provided for all proposed stormwater facilities and BMPs, and the party (or parties) responsible for maintenance and operation shall be identified. At private facilities, a copy of the manual shall be retained onsite or within reasonable access to the site, and shall be transferred with the property to the new owner. For public facilities, a copy of the manual shall be retained in the appropriate department. A log of maintenance activity that indicates what actions were taken shall be kept and be available for inspection by the local government.

Response: *An Operation and Maintenance Manual is included in Appendix B of this report.*

EXISTING CONDITIONS

The project site is located between SE 32nd Street and SE 30th Place and west of 84th Avenue SE in Mercer Island, WA. The site is approximately 5.1 acres and is currently occupied by the Coval Residence, pool house, driveway, pond and landscaping. The site is rectangular in shape and is bordered to the north and south by single family residences, to the west by multi-family residences and to the east by 84th Avenue SE and Luther Burbank Park.

There is upstream tributary flow onto and through the site from properties to the south. These offsite flows, along with onsite flows from the northern portion of the property, are conveyed north and leave the project site via an existing 12" CMP culvert at the northern property line. There are significant slopes in the western portions of the site which will remain undeveloped. Runoff from the eastern portion of the site sheet flows towards 84th Avenue SE and is collected and conveyed north via a roadside ditch. The ultimate discharge location is Lake Washington approximately ½ mile downstream of the project site.

See Exhibit 1 in Appendix A for the Existing Conditions Exhibit.

SOILS CONDITIONS

A Geotechnical Engineering investigation has been conducted by Terra Associates, Inc. However, the final report has not been issued at this time. Preliminary results indicate long-term infiltration rates of 0.5 in/hour in portions of the western part the site and 2.0 in/hour in portions of the northeastern part of the site.

DEVELOPED CONDITIONS

The proposed development consists of the construction of 18 new single-family residences with associated access roads, driveways and landscaping. The existing home and poolhouse, as well as an existing shed and garage/carport, and tennis court will be demolished as part of the proposed development. Additionally, the existing pond will be filled. Upon completion, the site will consist of approximately 40% impervious surface area.

On-site stormwater runoff from the proposed road, all driveways excluding Lots 1-4, roof runoff from Lots 3-9, 13-18, and landscaping from lots 10-12 will be collected and transported via a system of catch basins and underground storm drainage pipe to a new underground detention vault.

Infiltration trenches will be utilized for roof and landscape runoff where infiltration rates are adequate. Per the preliminary geotechnical recommendations, infiltration is feasible on 1, 2, 10-12. Landscape areas for lots 10-12 will be routed to the proposed detention vault. Detained runoff will undergo basic water quality treatment by means of a 60" StormFilter manhole located downstream of the proposed detention vault. The detained and treated runoff will outfall from the site to a new underground conveyance system, which will replace the existing roadside ditch along 84th Avenue SE.

A portion of Lots 15 and 16 will have been modeled as bypass due to the lower elevation in the northern portion of the lots. The bypass area from these lots will drain north, as this portion of the site does in the existing conditions, via the existing 12" CMP culvert along the northern property line. Additional bypass areas include a portion of the proposed road near 84th Avenue SE, driveways for Lots 1-4 and the right-of-way dedication area.



Stormwater discharge from the all portions of the project site join within ¼ mile downstream of the property and ultimately discharge to Lake Washington.

See Appendix A for the Grading and Drainage Plan and Drainage Areas Exhibit.

OFFSITE ANALYSIS REPORT

The field observation of the site and ¼ mile downstream analysis was performed on June 28th, 2013. The weather was sunny and approximately 75 degrees.

Upstream Analysis

#	Photo	Description
1		<p>From the southwest corner of the project site looking west towards the upstream property.</p> <p>Runoff from the upstream property may drain onto the project site.</p>
2		<p>In the southern/central portion of the site looking south at an existing 12" culvert.</p> <p>The project site has tributary flow from several upstream properties that enters the site via the culvert shown to the left. This tributary flow exits the site via a 12" CMP culvert on the northern property line.</p>

Downstream Analysis

The photos and descriptions on the following pages provide a detailed summary of the stormwater conveyance system downstream of the project site. The downstream photos correspond to the locations shown in Figure 1, below.

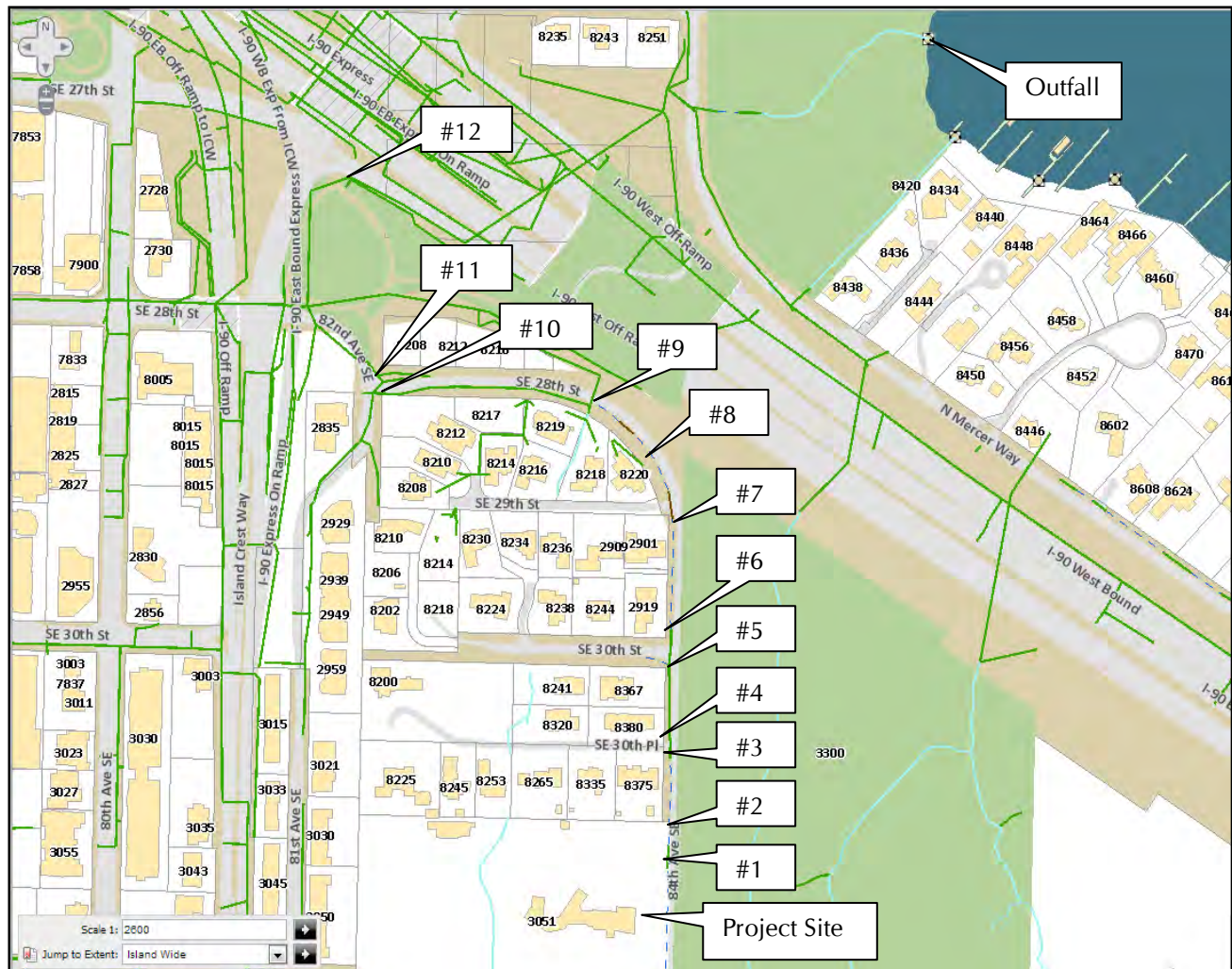








Figure 1: Downstream Photo Legend



#	Photo	Description
1		<p>Looking north along 84th Avenue SE.</p> <p>Runoff from the project site will tie into the existing roadside ditch along 84th Avenue SE.</p>
2		<p>Looking north along 84th Avenue SE.</p> <p>Runoff is conveyed north along 84th Avenue SE in the roadside ditch.</p>

3		<p>Looking north near the intersection of 84th Avenue SE and SE 30th Place.</p> <p>The roadside ditch ends and runoff continues north in a closed conveyance system.</p>
4		<p>Looking north along 84th Avenue SE.</p> <p>The closed conveyance system continues north along 84th Avenue SE.</p>

5		<p>Looking north near the intersection of 84th Avenue SE and SE 30th Street.</p> <p>The closed conveyance system continues north along 84th Avenue SE.</p>
6		<p>Looking north near the intersection of 84th Avenue SE and SE 30th Street.</p> <p>On the north side of SE 30th Street, the closed conveyance system daylights to another roadside ditch.</p>

7		<p>Looking north near the intersection of 84th Avenue SE and SE 29th Street.</p> <p>Runoff continues north in a culvert under SE 29th Street.</p>
8		<p>Looking north near the intersection of 84th Avenue SE and SE 28th Street.</p> <p>The roadside ditch continues north and then west as 84th Avenue SE becomes SE 28th Street.</p>

9		<p>Looking northwest from SE 28th Street.</p> <p>The roadside ditch turns west and runoff is conveyed through a wooded area.</p>
10		<p>Looking east near the intersection of SE 28th Street and 82nd Avenue SE.</p> <p>At this intersection, the runoff once again enters a closed conveyance system.</p>

11		<p>Looking northwest near the intersection of SE 28th Street and 82nd Avenue SE.</p> <p>The closed conveyance system continues northwest towards Island Crest Way.</p>
12		<p>Looking east along the I-90 on-ramp.</p> <p>Runoff is conveyed southeast in a closed conveyance system before turning northeast under I-90 and through Luther Burbank Park. Site runoff ultimately discharges to Lake Washington approximately ½ mile from the project site.</p>

The downstream emergency overflow drainage path as described above appears to have adequate capacity and no current problems were observed.

Downstream Analysis for Offsite Flows Conveyed through Site

The photos and descriptions on the following pages provide a summary of the stormwater conveyance system through the center of the project site as well as the bypass runoff from proposed lots 15 and 16. The downstream photos correspond to the locations shown in Figure 2, below.

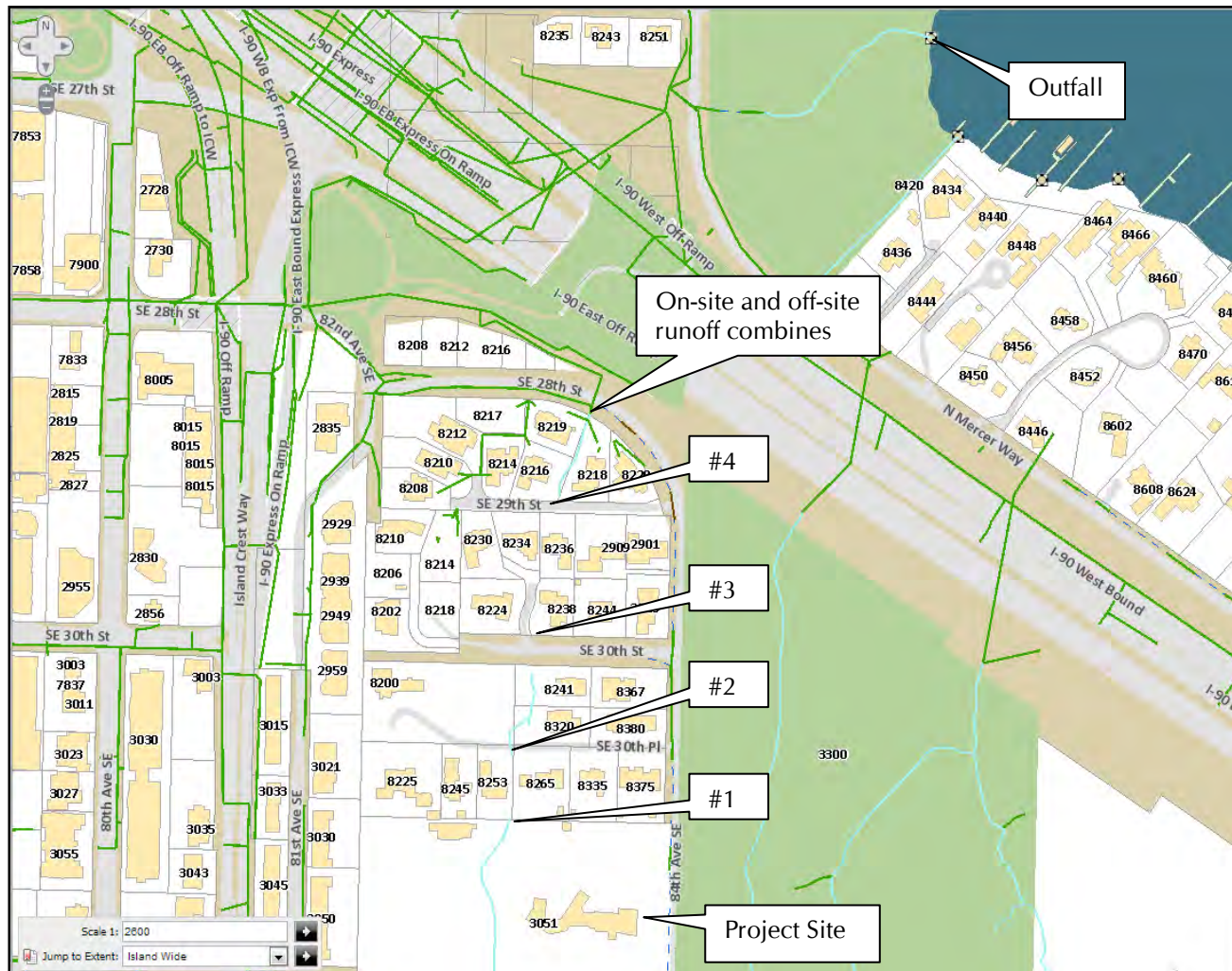


Figure 2: Downstream Photo Legend

The offsite flows from the south will maintain their existing downstream flowpath and continue to be conveyed through the project site via an open channel. The existing culverts on the north and south property lines will be maintained, and the channel will be modified to meander through the proposed residential lots and a 2% to 4% slope. A Type II catch basin with a beehive grate will be placed in the northern portion of Lot 6 in order to connect to the existing culvert at a 1% slope. A catchment area will be provided in the bottom of the structure in order to dissipate energy from the elevation drop within the structure, and it is proposed that the outlet is placed 2'-4' away from the existing culvert. This will ensure that runoff from the lots to the north can still enter the existing culvert at the property line.

#	Photo	Description
1		<p>Looking north at the northern property line of the project site.</p> <p>Runoff is conveyed through and leaves the project site via a 12" CMP culvert.</p>
2		<p>Looking north from SE 30th Place.</p> <p>Runoff daylights and is conveyed north between existing residences on SE 30th Place.</p>

3	 <p>Existing Catch Basin</p>	<p>Looking south from SE 30th Street (upstream).</p> <p>Runoff continues north in a grassy area on the south side of SE 30th Street. Stormwater enters a closed conveyance system via the catch basin in this depression.</p>
4		<p>Looking north from SE 29th Street.</p> <p>The closed conveyance system daylights once again on the north side of SE 29th Street. From here, the runoff joins the downstream runoff from the project site and continues west and north to the outfall at Lake Washington.</p>

The downstream emergency overflow drainage path as described above appears to have adequate capacity and no current problems were observed.

PERMANENT STORMWATER CONTROL PLAN

EXISTING SITE HYDROLOGY

Per the 2005 DOE requirements, the pre-developed conditions for the project site have been modeled as completely forested for sizing of the proposed detention facility as shown in Table 2, below. There are two portions of the site that have not been included in the stormwater calculations, including 0.09 acres of existing 84th Avenue SE roadway in the proposed right-of-way dedication and 0.19 acres of forested area along the western property line that will remain undeveloped. These areas are delineated in the Stormwater Areas Exhibit, which can be found in Appendix A of this report.

Table 2
Existing Conditions

Basin Area (AC)	Description	Grade
4.82	C, Forest, Flat	2% - 20%

DEVELOPED SITE HYDROLOGY

Developed conditions for the project site are as shown in Tables 3-5 below. The proposed onsite conveyance system will detain runoff from the site to pre-developed, forested conditions. Runoff from pollution generating surfaces will be treated prior to detention by means of a StormFilter. This stormwater analysis includes areas that are conveyed directly to the vault, infiltration (100% and partial), and bypass areas.

Table 3
Areas Conveyed Directly to Vault

Area (AC)	Description	Grade
0.213	Road	2%-6%
0.895	Roof Tops	0%
0.257	Driveways	0%-4%
2.581	Lawn	2%-10%
3.946	Total Area	

Table 4
Onsite Infiltration Areas

Area (AC)	Description	Grade
0.344	Roof Tops	0%
0.264	Lawn	2%-10%
0.608	Total Area	

Table 5
Bypass Areas

Area (AC)	Description	Grade
0.131	Roadway	2%-6%
0.055	Driveways (Lots 5-18)	0%-4%
0.084	Lawn	2%-10%
0.27	Total Area	

The proposed detention vault was sized as a point of compliance, accounting for un-attenuated bypass areas.

Amended soils will be used in landscaped areas to mimic native site conditions and promote stormwater retention.

See Appendix A for the Stormwater Areas Exhibit.

NEARBY RECEIVING WATERS

There are no nearby receiving waters that will be negatively impacted by this project. All runoff from the project will be ultimately discharged into Lake Washington approximately ½ mile downstream of the project site.

HYDROLOGIC MODELING

The hydrologic analysis for the project was performed using the computer-modeling program, Western Washington Hydrology Model (WWMH3), based on matching flow durations. The program effectively models predeveloped and post-developed runoff conditions using flow duration curves for a basin and a given area.

FLOW CONTROL SYSTEM

The proposed flow control facility was designed in accordance with the 2005 DOE Manual. Stormwater discharges will match developed durations to pre-developed durations for the range of pre-developed discharge rates from 50% of the 2-year peak flow up to the full 50-year peak flow. Pre-developed conditions will be modeled as forested.

See Table 6, below, for a summary of the proposed detention vault dimensions and elevations.

Table 6

Detention Vault Attribute	Dimension
Length	120'
Width	26'
Depth (Live Storage)	9.5'
Volume (Live Storage)	29,640 cf
Bottom Orifice Diameter	15/16 in
Bottom Orifice Elevation	0 ft
Second Orifice Diameter	1.5 in
Second Orifice Height	238.13
Third Orifice Diameter	15/16 in
Third Orifice Height	238.88
Bottom Elevation of Vault	230.5'
Outflow Elevation	232.0'
Overflow Elevation	241.5'

WWMH 3 output is summarized below, and the complete output can be found in Appendix D of this report.

Western Washington Hydrology Model PROJECT REPORT

Project Name: 131008 WWHM
 Site Address:
 City : Mercer Island
 Report Date : 10/8/2013
 Gage : Seatac
 Data Start : 1948/10/01
 Data End : 1998/09/30
 Precip Scale: 1.00
 WWHM3 Version:

PREDEVELOPED LAND USE

Name : Basin 1
Bypass: No

GroundWater: No

Pervious Land Use	Acres
C, Forest, Flat	4.82

Impervious Land Use	Acres
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Element Flows To:		
Surface	Interflow	Groundwater

Name : Drainage Area to Vault
Bypass: No

GroundWater: No

Pervious Land Use	Acres
C, Lawn, Flat	2.581

Impervious Land Use	Acres
ROADS FLAT	0.213
ROOF TOPS FLAT	0.895
DRIVEWAYS FLAT	0.257

Element Flows To:		
Surface	Interflow	Groundwater
Vault , Vault ,		

Name : Vault
Width : 26 ft.
Length : 120 ft.
Depth: 10.5ft.
Discharge Structure
Riser Height: 9.5 ft.
Riser Diameter: 18 in.
Orifice 1 Diameter: 0.9375 in. Elevation: 0 ft.
Orifice 1 Diameter: 1.5 in. Elevation: 6.125 ft.
Orifice 1 Diameter: 0.9375 in. Elevation: 6.875 ft.

Element Flows To:	
Outlet 1	Outlet 2

Name : Lots 1 and 2 Gravel Trench (2 in/hr)
Bypass: No

GroundWater: No

Pervious Land Use	Acres
C, Lawn, Flat	.264

Impervious Land Use	Acres
ROOF TOPS FLAT	0.1376

Element Flows To:

Surface	Interflow	Groundwater
rench (Lots 1 and 2),	rench (Lots 1 and 2),	

Name : (Lot 10) Gravel Trench (0.5in/hr)
Bypass: No

GroundWater: No

Pervious Land Use	Acres
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Impervious Land Use	Acres
ROOF TOPS FLAT	0.0688

Element Flows To:

Surface	Interflow	Groundwater
Gravel Trench (Lot 10),	Gravel Trench (Lot 10),	

Name : Lots 11 and 12 Gravel Trench (0.5 in/hr)
Bypass: No

GroundWater: No

Pervious Land Use	Acres
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Impervious Land Use	Acres
ROOF TOPS FLAT	0.1376

Element Flows To:

Surface	Interflow	Groundwater
nch (Lots 11 and 12),	nch (Lots 11 and 12),	

Name : nch (Lots 11 and 12)
Bottom Length: 70ft.
Bottom Width : 5ft.
Trench bottom slope 1: 0.01 To 1
Trench Left side slope 0: 0 To 1
Trench right side slope 2: 0 To 1
Material thickness of first layer : 7.25
Pour Space of material for first layer : 0.4
Material thickness of second layer : 0
Pour Space of material for second layer : 0
Material thickness of third layer : 0
Pour Space of material for third layer : 0
Infiltration On
Infiltration rate : 0.5
Infiltration safety factor : 1
Wetted surface area On
Discharge Structure
Riser Height: 7.25 ft.
Riser Diameter: 12 in.

Element Flows To:
Outlet 1 Outlet 2
Vault , _____

Name : rench (Lots 1 and 2)
Bottom Length: 80ft.
Bottom Width : 5ft.
Trench bottom slope 1: 0.01 To 1
Trench Left side slope 0: 0 To 1
Trench right side slope 2: 0 To 1
Material thickness of first layer : 5.25
Pour Space of material for first layer : 0.4
Material thickness of second layer : 0

Pour Space of material for second layer : 0
 Material thickness of third layer : 0
 Pour Space of material for third layer : 0
 Infiltration On
 Infiltration rate : 2
 Infiltration safety factor : 1
 Wetted surface area On
 Discharge Structure
 Riser Height: 5.25 ft.
 Riser Diameter: 12 in.

Element Flows To:

Outlet 1 Outlet 2
 Vault , _____

Name : Gravel Trench (Lot 10)
 Bottom Length: 50ft.
 Bottom Width : 5ft.
 Trench bottom slope 1: 0.01 To 1
 Trench Left side slope 0: 0 To 1
 Trench right side slope 2: 0 To 1
 Material thickness of first layer : 9
 Pour Space of material for first layer : 0.4
 Material thickness of second layer : 0
 Pour Space of material for second layer : 0
 Material thickness of third layer : 0
 Pour Space of material for third layer : 0
 Infiltration On
 Infiltration rate : 0.5
 Infiltration safety factor : 1
 Wetted surface area On
 Discharge Structure
 Riser Height: 9 ft.
 Riser Diameter: 12 in.

Element Flows To:

Outlet 1 Outlet 2
 Vault , _____

Name : Bypass Areas
 Bypass: Yes

GroundWater: No

Pervious Land Use	Acres
C, Lawn, Flat	.084

Impervious Land Use	Acres
ROADS FLAT	0.131
DRIVEWAYS FLAT	0.055

Element Flows To:

Surface	Interflow	Groundwater
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MITIGATED LAND USE

ANALYSIS RESULTS

Flow Frequency Return Period	Flow(cfs)	POC #1
2 year	0.121308	
5 year	0.187972	
10 year	0.224099	

25 year	0.260815
50 year	0.282615
100 year	0.30053

Flow Frequency Return Periods for Mitigated. POC #1

Return Period	Flow(cfs)
2 year	0.107001
5 year	0.167638
10 year	0.219404
25 year	0.300365
50 year	0.373583
100 year	0.459334

Water Quality BMP Flow and Volume for POC 1.

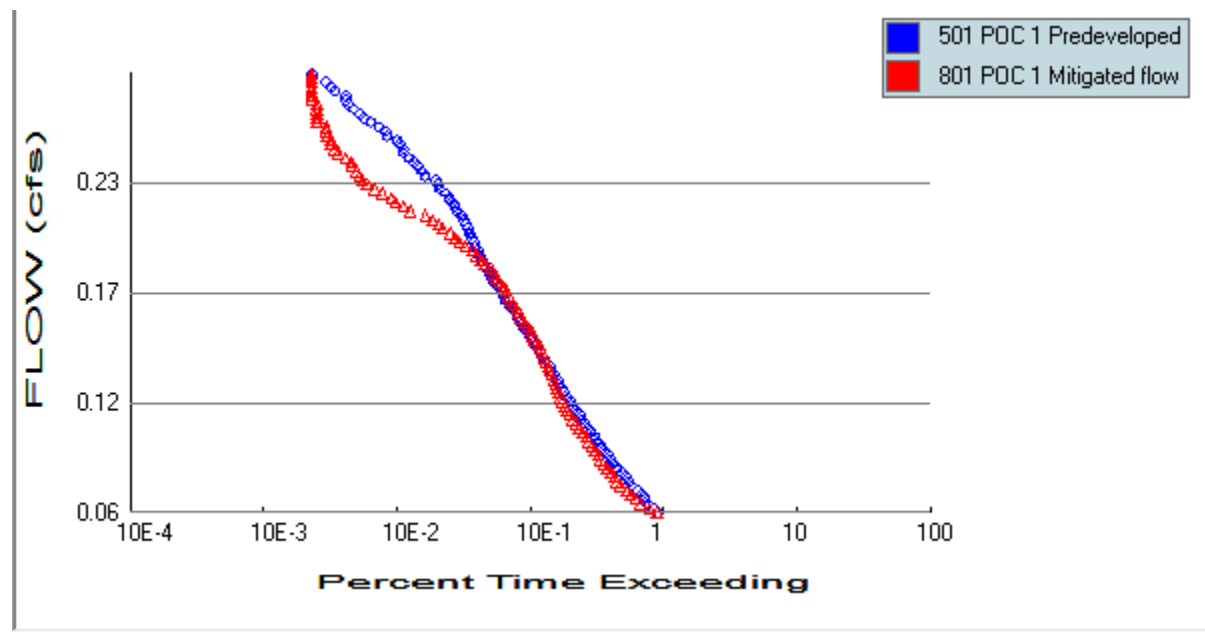
On-line facility volume: 0.1164 acre-feet

On-line facility target flow: 0.01 cfs.

Adjusted for 15 min: 0.0649 cfs.

Off-line facility target flow: 0.038 cfs.

Adjusted for 15 min: 0.0403 cfs.



POC #1

The Facility **PASSED**.

As can be seen in the WWHM output, a vault with dimensions of 120'x26'x9.5' meets and exceeds the detention requirements for the site.

WATER QUALITY SYSTEM

The proposed water quality facilities were designed in accordance with the 2005 DOE. The process of selection is as follows:

- An oil control facility is not required.
- Infiltration is not feasible in all portions of the site.
- Phosphorus control is not required.
- Enhanced treatment is not required.
- A basic treatment facility was selected.

The stormwater runoff from pollution generating surfaces will be treated by means of a StormFilter manhole upstream of the proposed detention vault. The resultant StormFilter system will consist of a 60" StormFilter Manhole.

Sizing calculations, as provided by Contech, are provided below.

		Determining Number of Cartridges for Flow Based Systems	
CONTECH Stormwater Solutions Inc. Engineer:		CRH	
Date:		7/24/2013	
Site Information		Coval Property	
Project Name		Washington	
Project State		Mercer Island	
Project Location			
Drainage Area, Ad		2.46 ac	
Impervious Area, Ai		1.06 ac	
Pervious Area, Ap		1.40	
% Impervious		43%	
Runoff Coefficient, Rc		0.44	
Water quality flow		0.06 cfs	
Peak storm flow		1.80 cfs Max MH Capacity	
Filter System		StormFilter	
Filtration brand		18 in	
Cartridge height		1.00 gpm/ft ²	
Specific Flow Rate		7.5 gpm	
Flow rate per cartridge			
SUMMARY			
Number of Cartridges		4	

CONVEYANCE SYSTEM ANALYSIS AND DESIGN

Twelve-Inch Pipe

As shown in the Manning's Calculation below, the maximum flow rate for a 12-inch storm drainage pipe at a minimum slope of 0.5% is 2.92 cfs. The 100-year, peak flow for the entire site in the developed conditions is 0.46 cfs. However, most of the proposed conveyance system is at a 2%-5% slope and the bypass areas will not contribute to the peak flow through the conveyance system.

Figure 3: Manning's Calculation for Twelve-Inch Pipe

The screenshot shows the 'Manning' calculation window. The 'Solve For' dropdown is set to 'Flowrate'. The input fields are: Flowrate (cfs) 2.9259, Slope (ft/ft) 0.0050, Manning's n 0.0120, Depth of Flow (in) 11.5000, and Diameter (in) 12.0000. The output fields are: Velocity (fps) 3.7792, Area (ft²) 0.7854, Perimeter (in) 37.6991, Wetted Area (ft²) 0.7742, Wetted Perimeter (in) 32.7655, Hydraulic Radius (in) 3.4025, and Percent Full (%) 95.8333. The 'Pipe Shape' is set to 'Circular' with a corresponding diagram. Buttons for 'Select', 'Plot', 'Output', 'Critical', 'Rating', 'OK', 'Cancel', and 'Help' are visible.

Input	Unit	Value
Flowrate	cfs	2.9259
Slope	ft/ft	0.0050
Manning's n		0.0120
Depth of Flow	in	11.5000
Diameter	in	12.0000

Output	Unit	Value
Velocity	fps	3.7792
Area	ft ²	0.7854
Perimeter	in	37.6991
Wetted Area	ft ²	0.7742
Wetted Perimeter	in	32.7655
Hydraulic Radius	in	3.4025
Percent Full	%	95.8333

A detailed conveyance analysis will be completed prior to final engineering to confirm that the system has adequate conveyance capacity for the full range of developed, peak flows including the 25-year peak flow as well as the 100-year peak flow event (0.30 cfs to 0.46 cfs).

100-YEAR FLOOD/OVERFLOW CONDITION

The stormwater conveyance system for this project has been designed to address storm events in accordance with common industry practices. In the event of a larger storm, the system may fail. In this case, the runoff from larger events will overflow towards 84th Avenue NE and/or the existing culvert at the northern property line.

The stormwater system for this project has been designed to address all storm events, including the 100-year, 24-hour storm, in accordance with the design criteria described previously.

CONSTRUCTION STORMWATER POLLUTION PREVENTION PLAN

All erosion and sediment control measures shall be governed by the requirements of the City of Mercer Island. A temporary erosion and sedimentation control plan and full CSWPPP will be prepared prior to construction to assist the contractor in complying with these requirements.

Element 1: Mark Clearing Limits

- Prior to beginning land disturbing activities, including clearing and grading, all clearing limits, sensitive areas and their buffers, and trees that are to be preserved within the construction area shall be clearly marked, both in the field and on the plans, to prevent damage and offsite impacts.
- Plastic, metal, or stake wire fence may be used to mark the clearing limits.
- The duff layer, native top soil, and natural vegetation shall be retained in an undisturbed state to the maximum extent practicable. If it is not practicable to retain the duff layer in place, it should be stockpiled on-site, covered to prevent erosion, and replaced immediately upon completion of the ground disturbing activities.

Element 2: Establish Construction Access

- Construction vehicle access and exit shall be limited to one route, if possible, or two for linear projects such as roadways where more than one access is necessary for large equipment maneuvering.
- Access points shall be stabilized with a pad of quarry spalls or crushed rock prior to traffic leaving the construction site to minimize the tracking of sediment onto public roads.
- Wheel wash or tire baths should be located on-site, if applicable.
- If sediment is tracked off site, public roads shall be cleaned thoroughly at the end of each day, or more frequently during wet weather, if necessary to prevent sediment from entering waters of the state. Sediment shall be removed from roads by shoveling or pickup sweeping and shall be transported to a controlled sediment disposal area. Street washing will be allowed only after sediment is removed in this manner.
- Street wash wastewater shall be controlled by pumping back onsite, or otherwise be prevented from discharging into systems tributary to state surface waters.

Element 3: Control Flow Rates

- Properties and waterways downstream from development sites shall be protected from erosion due to increases in the volume, velocity, and peak flow rate of stormwater runoff from the project site, as required by local plan approval authority.
- Downstream analysis is necessary if changes in flows could impair or alter conveyance systems, stream banks, bed sediment or aquatic habitat. See Chapter 3 for offsite analysis guidance.
- Where necessary to comply with Minimum Requirement #7, stormwater retention/detention facilities shall be constructed as one of the first steps in grading. Detention facilities shall be functional prior to construction of site improvements (e.g. impervious surfaces).
- The local permitting agency may require pond designs that provide additional or different stormwater flow control if necessary to address local conditions or to protect properties and waterways downstream from erosion due to increases in the volume, velocity, and peak flow rate of stormwater runoff from the project site.
- If permanent infiltration ponds are used for flow control during construction, these facilities should be protected from siltation during the construction phase.

Element 4: Install Sediment Controls

- Prior to leaving a construction site, or prior to discharge to an infiltration facility, stormwater runoff from disturbed areas shall pass through a sediment pond or other appropriate sediment removal BMP. Runoff from fully stabilized areas may be discharged without a sediment removal BMP, but must meet the flow

control performance standard of Element #3, bullet #1. Full stabilization means concrete or asphalt paving; quarry spalls used as ditch lining; or the use of rolled erosion products, a bonded fiber matrix product, or vegetative cover in a manner that will fully prevent soil erosion. The Local Permitting Authority shall inspect and approve areas stabilized by means other than pavement or quarry spalls.

- Sediment ponds, vegetated buffer strips, sediment barriers or filters, dikes, and other BMPs intended to trap sediment on-site shall be constructed as one of the first steps in grading. These BMPs shall be functional before other land disturbing activities take place.
- Earthen structures such as dams, dikes, and diversions shall be seeded and mulched according to the timing indicated in Element #5.
- BMPs intended to trap sediment on site must be located in a manner to avoid interference with the movement of juvenile salmonids attempting to enter off-channel areas or drainages, often during non-storm events, in response to rain event changes in stream elevation or wetted area.

Element 5: Stabilize Soils

- All exposed and unworked soils shall be stabilized by application of effective BMPs that protect the soil from the erosive forces of raindrop impact and flowing water, and wind erosion.
- From October 1 through April 30, no soils shall remain exposed and unworked for more than 2 days. From May 1 to September 30, no soils shall remain exposed and unworked for more than 7 days. This condition applies to all soils on site, whether at final grade or not. These time limits may be adjusted by the local permitting authority if it can be shown that the average time between storm events justifies a different standard.
- Soils shall be stabilized at the end of the shift before a holiday or weekend if needed based on the weather forecast.
- Applicable practices include, but are not limited to, temporary and permanent seeding, sodding, mulching, plastic covering, soil application of polyacrylamide (PAM), the early application of gravel base on areas to be paved, and dust control.
- Soil stabilization measures selected should be appropriate for the time of year, site conditions, estimated duration of use, and potential water quality impacts that stabilization agents may have on downstream waters or ground water.
- Soil stockpiles must be stabilized from erosion, protected with sediment trapping measures, and when possible, be located away from storm drain inlets, waterways and drainage channels.
- Linear construction activities, including right-of-way and easement clearing, roadway development, pipelines, and trenching for utilities, shall be conducted to meet the soil stabilization requirement. Contractors shall install the bedding materials, roadbeds, structures, pipelines, or utilities and re-stabilize the disturbed soils so that:
 - from October 1 through April 30 no soils shall remain exposed and unworked for more than 2 days; and
 - from May 1 to September 30, no soils shall remain exposed and unworked for more than 7 days.

Element 6: Protect Slopes

- Cut and fill slopes shall be designed and constructed in a manner that will minimize erosion.
- Consider soil type and its potential for erosion.
- Reduce slope runoff velocities by reducing the continuous length of slope with terracing and diversions, reduce slope steepness, and roughen slope surface.
- Off-site stormwater (run-on) shall be diverted away from slopes and disturbed areas with interceptor dikes and/or swales. Off-site stormwater should be managed separately from stormwater generated on the site.

- At the top of slopes, collect drainage in pipe slope drains or protected channels to prevent erosion. Temporary pipe slope drains shall handle the peak flow from a 10 year, 24 hour event assuming a Type 1A rainfall distribution. Alternatively, the 10-year and 25-year, 1-hour flow rates indicated by an approved continuous runoff model, increased by a factor of 1.6, may be used. Consult the local drainage requirements for sizing permanent pipe slope drains.
- Provide drainage to remove ground water intersecting the slope surface of exposed soil areas.
- Excavated material shall be placed on the uphill side of trenches, consistent with safety and space considerations.
- Check dams shall be placed at regular intervals within channels that are cut down a slope.
- Stabilize soils on slopes, as specified in Element #5.

Element 7: Protect Drain Inlets

- All storm drain inlets made operable during construction shall be protected so that stormwater runoff shall not enter the conveyance system without first being filtered or treated to remove sediment.
- All approach roads shall be kept clean. All sediment and street wash water shall not be allowed to enter storm drains without prior and adequate treatment unless treatment is provided before the storm drain discharges to waters of the State.
- Inlets should be inspected weekly at a minimum and daily during storm events. Inlet protection devices should be cleaned or removed and replaced when sediment has filled one-third of the available storage (unless a different standard is specified by the product manufacturer).

Element 8: Stabilize Channels and Outlets

- All temporary on-site conveyance channels shall be designed, constructed and stabilized to prevent erosion from the expected peak 10 minute velocity of flow from a Type 1A, 10- year, 24-hour frequency storm for the developed condition. Alternatively, the 10-year, 1-hour flow rate indicated by an approved continuous runoff model, increased by a factor of 1.6, may be used.
- Stabilization, including armoring material, adequate to prevent erosion of outlets, adjacent stream banks, slopes and downstream reaches shall be provided at the outlets of all conveyance systems.

Element 9: Control Pollutants

- All pollutants, including waste materials and demolition debris, that occur on-site shall be handled and disposed of in a manner that does not cause contamination of stormwater. Woody debris may be chopped and spread on site.
- Cover, containment, and protection from vandalism shall be provided for all chemicals, liquid products, petroleum products, and non-inert wastes present on the site (see Chapter 173-304 WAC for the definition of inert waste). On-site fueling tanks shall include secondary containment.
- Maintenance and repair of heavy equipment and vehicles involving oil changes, hydraulic system drain down, solvent and de-greasing cleaning operations, fuel tank drain down and removal, and other activities which may result in discharge or spillage of pollutants to the ground or into stormwater runoff must be conducted using spill prevention measures, such as drip pans. Contaminated surfaces shall be cleaned immediately following any discharge or spill incident. Emergency repairs may be performed on-site using temporary plastic placed beneath and, if raining, over the vehicle.
- Wheel wash or tire bath wastewater, shall be discharged to a separate on-site treatment system or to the sanitary sewer.
- Application of agricultural chemicals, including fertilizers and pesticides, shall be conducted in a manner and at application rates that will not result in loss of chemical to stormwater runoff. Manufacturers' recommendations for application rates and procedures shall be followed.

- BMPs shall be used to prevent or treat contamination of stormwater runoff by pH modifying sources. These sources include, but are not limited to, bulk cement, cement kiln dust, fly ash, new concrete washing and curing waters, waste streams generated from concrete grinding and sawing, exposed aggregate processes, and concrete pumping and mixer washout waters. Stormwater discharges shall not cause or contribute to a violation of the water quality standard for pH in the receiving water.
- Construction sites with significant concrete work shall adjust the pH of stormwater if necessary to prevent violations of water quality standards.

Element 10: Control De-Watering

- Foundation, vault, and trench de-watering water, which has similar characteristics to stormwater runoff at the site, shall be discharged into a controlled conveyance system prior to discharge to a sediment trap or sediment pond. Channels must be stabilized, as specified in Element #8.
- Clean, non-turbid de-watering water, such as well-point ground water, can be discharged to systems tributary to state surface waters, as specified in Element #8, provided the de-watering flow does not cause erosion or flooding of receiving waters. These clean waters should not be routed through a stormwater sediment pond.
- Highly turbid or otherwise contaminated dewatering water, such as from construction equipment operation, clamshell digging, concrete tremie pour, or work inside a cofferdam, shall be handled separately from stormwater.
- Other disposal options, depending on site constraints, may include: 1) infiltration, 2) transport off-site in a vehicle, such as a vacuum flush truck, for legal disposal in a manner that does not pollute state waters, 3) Ecology-approved on-site chemical treatment or other suitable treatment technologies, 4) sanitary sewer discharge with local sewer district approval, if there is no other option, or 5) use of a sedimentation bag with outfall to a ditch or swale for small volumes of localized dewatering.

Element 11: Maintain BMPs

- All temporary and permanent erosion and sediment control BMPs shall be maintained and repaired as needed to assure continued performance of their intended function. All maintenance and repair shall be conducted in accordance with BMP specifications.
- All temporary erosion and sediment control BMPs shall be removed within 30 days after final site stabilization is achieved or after the temporary BMPs are no longer needed. Trapped sediment shall be removed or stabilized on site. Disturbed soil areas resulting from removal of BMPs or vegetation shall be permanently stabilized.

Element 12: Manage the Project

- Phasing of Construction - Development projects shall be phased where feasible in order to prevent soil erosion and, to the maximum extent practicable, the transport of sediment from the site during construction. Re-vegetation of exposed areas and maintenance of that vegetation shall be an integral part of the clearing activities for any phase.
- Clearing and grading activities for developments shall be permitted only if conducted pursuant to an approved site development plan (e.g., subdivision approval) that establishes permitted areas of clearing, grading, cutting, and filling. When establishing these permitted clearing and grading areas, consideration should be given to minimizing removal of existing trees and minimizing disturbance/compaction of native soils except as needed for building purposes. These permitted clearing and grading areas and any other areas required to preserve critical or sensitive areas, buffers, native growth protection easements, or tree retention areas as may be required by local jurisdictions, shall be delineated on the site plans and the development site.
- Seasonal Work Limitations - From October 1 through April 30, clearing, grading, and other soil disturbing activities shall only be permitted if shown to the satisfaction of the local permitting authority that silt-laden runoff will be prevented from leaving the site through a combination of the following:

1. Site conditions including existing vegetative coverage, slope, soil type and proximity to receiving waters; and
2. Limitations on activities and the extent of disturbed areas; and
3. Proposed erosion and sediment control measures.

Based on the information provided and/or local weather conditions, the local permitting authority may expand or restrict the seasonal limitation on site disturbance. The local permitting authority shall take enforcement action - such as a notice of violation, administrative order, penalty, or stop-work order under the following circumstances:

- If, during the course of any construction activity or soil disturbance during the seasonal limitation period, sediment leaves the construction site causing a violation of the surface water quality standard; or
- If clearing and grading limits or erosion and sediment control measures shown in the approved plan are not maintained.

The following activities are exempt from the seasonal clearing and grading limitations:

1. Routine maintenance and necessary repair of erosion and sediment control BMPs;
 2. Routine maintenance of public facilities or existing utility structures that do not expose the soil or result in the removal of the vegetative cover to soil; and
 3. Activities where there is one hundred percent infiltration of surface water runoff within the site in approved and installed erosion and sediment control facilities.
- Coordination with Utilities and Other Contractors - The primary project proponent shall evaluate, with input from utilities and other contractors, the stormwater management requirements for the entire project, including the utilities, when preparing the Construction SWPPP.

Inspection and Monitoring - All BMPs shall be inspected, maintained, and repaired as needed to assure continued performance of their intended function. Site inspections shall be conducted by a person who is knowledgeable in the principles and practices of erosion and sediment control. The person must have the skills to 1) assess the site conditions and construction activities that could impact the quality of stormwater, and 2) assess the effectiveness of erosion and sediment control measures used to control the quality of stormwater discharges.

- For construction sites one acre or larger that discharge stormwater to surface waters of the state, a Certified Erosion and Sediment Control Specialist shall be identified in the Construction SWPPP and shall be on-site or on-call at all times. Certification may be obtained through an approved training program that meets the erosion and sediment control training standards established by Ecology.

Whenever inspection and/or monitoring reveals that the BMPs identified in the Construction SWPPP are inadequate, due to the actual discharge of or potential to discharge a significant amount of any pollutant, appropriate BMPs or design changes shall be implemented as soon as possible.

- Maintaining an Updated Construction SWPPP - The Construction SWPPP shall be retained on-site or within reasonable access to the site.

The SWPPP shall be modified whenever there is a significant change in the design, construction, operation, or maintenance at the construction site that has, or could have, a significant effect on the discharge of pollutants to waters of the state.

The SWPPP shall be modified, if during inspections or investigations conducted by the owner/operator, or the applicable local or state regulatory authority, it is determined that the SWPPP is ineffective in eliminating or significantly minimizing pollutants in stormwater discharges from the site. The SWPPP shall be modified as necessary to include additional or modified BMPs designed to correct problems identified. Revisions to the SWPPP shall be completed within seven (7) calendar days following the inspection.

OTHER PERMITS

The following permits will be required for this project:

- NPDES Permit (Department of Ecology)
- SEPA Approval (City of Mercer Island)
- Building Permits (City of Mercer Island) – (for vault, retaining walls, and buildings)
- Right-of-Way Use Permit (City of Mercer Island)

APPENDIX TABLE OF CONTENTS

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APPENDIX A
SITE EXHIBITS

BOUNDARY / TOPOGRAPHIC SURVEY



GRAPHIC SCALE



LEGAL DESCRIPTION

THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 24 NORTH, RANGE 4 EAST, MILLANETTE MERIDIAN, IN KING COUNTY, WASHINGTON

DATUM/BASIS OF BEARINGS

HELD N0116°24'E ALONG THE EAST LINE OF THE NE QUARTER SEC 12-24-4 PER GPS OBSERVATION.

ORIGINATING BENCHMARK

CITY OF MERCER ISLAND MONUMENT DESIGNATION #M 1015, 1/2" BRASS CAP IN 4"x4" CONCRETE POST IN CASE.

VERTICAL DATUM

NAVD 88

ELEVATION

85.16'

TEMPORARY BENCHMARKS

- TEMP 'A' TOP OF MONUMENT IN CASE AT EAST QUARTER CORNER SEC 12-24-4. ELEVATION: 242.54'
- TEMP 'B' TOP SW CORNER BOX CULVERT AT LOW POINT IN DIRT ROAD. ELEVATION: 230.47'

LEGEND

- POWER JUNCTION BOX
- TELECOMMUNICATIONS MANHOLE
- GUY ANCHOR
- POWER POLE W/ TRANSFORMER
- POWER POLE W/ UNDERGROUND CONDUIT
- POWER POLE W/ TRANSFORMER & UNDERGROUND CONDUIT
- POWER POLE
- GUY POLE
- SANITARY SEWER MANHOLE
- CATCH BASIN
- YARD DRAIN
- CULVERT
- FIRE HYDRANT
- HOSE BIB
- IRRIGATION CONTROL VALVE
- WATER METER
- WATER VALVE
- WELL
- GAS METER
- FUEL PUMP
- MAIL BOX
- ROCKERY
- SHED
- POST
- SET BENCHMARK
- FOUND MONUMENT IN CASE
- FOUND REBAR AND CAP AS NOTED
- WETLAND FLAG
- SOIL LOG/TEST PIT
- DITCH LINE
- WATER LINE (PER CITY GIS)
- SANITARY SEWER LINE
- STORM DRAIN LINE
- OVERHEAD TELECOMMUNICATIONS LINE
- OVERHEAD POWER AND TELECOMMUNICATIONS
- GUY WIRE
- WOOD FENCE LINE
- SPLIT RAIL FENCE LINE
- CHAIN LINK FENCE LINE
- CONCRETE PAVING
- ASPHALT PAVING
- BUILDINGS
- GRAVEL/DIRT SURFACE
- STONE PAVERS
- FLAGSTONE PAVERS
- WETLANDS

LUTHER BURBANK PARK

84TH AVE. SE.

SE 32ND ST. (PRIVATE ROAD)

FOUND PUNCH IN 3" BRASS DISK IN CONCRETE MONUMENT DOWN 0.8" IN CASE (8/4/2013)

MERCER ISLAND SHORT PLAT NO. 87-04-05 REC. NO. 8903159002

LOT B

LOT C

TPN:1224049043

TPN:1224049033

TPN:1224049044

TPN:1224049010

LOT 5
MERCER MEADOWS REC. #7702230010

LOT 4

LOT 1

SCHEDULE B SPECIAL EXCEPTIONS

EXEMPTIONS AND LEGAL DESCRIPTION ARE BASED ON THE A.L.T.A. COMMITMENT BY CHICAGO TITLE INSURANCE COMPANY, ORDER NO. 1356973, DATED JANUARY 18, 2013, AT 8:00 A.M.

- THIS PROPERTY SUBJECT TO EASEMENT AND THE TERMS AND CONDITIONS THEREOF REGARDING COMMUNICATION FACILITIES AND APPURTENANCES THEREOF PER INSTRUMENT UNDER RECORDING NO. 3758636
- THIS PROPERTY SUBJECT TO EASEMENT AND THE TERMS AND CONDITIONS THEREOF REGARDING WATER MAIN FACILITIES AND APPURTENANCES THEREOF PER INSTRUMENT UNDER RECORDING NO. 4627637

NOTES

PRIMARY CONTROL POINTS AND ACCESSIBLE MONUMENT POSITIONS WERE FIELD MEASURED UTILIZING GLOBAL POSITIONING SYSTEM (GPS) SURVEY TECHNIQUES USING LEICA SYSTEM 1200 EQUIPMENT. MONUMENT POSITIONS THAT WERE NOT DIRECTLY OBSERVED USING GPS SURVEY TECHNIQUES WERE TIES INTO THE CONTROL POINTS UTILIZING LEICA ELECTRONIC 1501 TOTAL STATIONS FOR THE MEASUREMENT OF BOTH ANGLES AND DISTANCES. THIS SURVEY MEETS OR EXCEEDS THE STANDARDS SET BY WACGS 332-130-080/090.

UNDERGROUND UTILITIES WERE LOCATED BASED ON THE SURFACE EVIDENCE OF UTILITIES (SAW CUTS IN PAVEMENT, COVERS, LIDS, ETC.). UNDERGROUND UTILITY LOCATES WERE OBTAINED BY THE CLIENT. THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION, ELEVATION AND SIZE OF EXISTING UTILITIES PRIOR TO CONSTRUCTION.

EVIDENCE OF OCCUPATION OF LAND (FOR EXAMPLE: FENCES, STRUCTURES, PAVING, GRASS, ETC.) MAY NOT COINCIDE WITH THE DEEDED BOUNDARY LINES AS SHOWN ON THIS DRAWING. THERE ARE AREAS ON THIS SURVEY APPEARING TO HAVE DISCREPANCIES BETWEEN THE DEEDED BOUNDARY LINES AND CERTAIN EVIDENCE OF OCCUPATION. WHERE DISCREPANCIES EXIST AXIS RECOMMENDS THAT THE OWNER OR POTENTIAL PURCHASER CONSULT WITH LEGAL COUNSEL TO DETERMINE HOW BEST TO INTERPRET THEIR PROPERTY RIGHTS AND ADDRESS ANY POTENTIAL BOUNDARY DISPUTES.

THE INFORMATION DEPICTED ON THIS MAP REPRESENTS THE RESULTS OF A SURVEY CONDUCTED ON 4/9/2013 AND CAN ONLY BE CONSIDERED AS INDICATING THE GENERAL CONDITIONS EXISTING AT THAT TIME.

REFERENCES

- PLAT OF MERCER MEADOWS VOL. 102 P. 22
- MERCER ISLAND SHORT PLAT 87-04-05 REC. NO. 8903159002
- RECORD OF SURVEY REG. NO. 91060690001
- MERCER ISLAND SHORT PLAT 95-1308 REC. NO. 96070890002
- RECORD OF SURVEY REG. NO. 2004080900001
- RECORD OF SURVEY RECORDING NO. 2008050500006
- RECORD OF SURVEY RECORDING NO. 2010070300003

TREE LEGEND

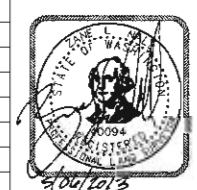
- 12" A ALDER
- 12" B BIRCH
- 12" C COTTONWOOD
- 12" D CHERRY
- 12" E DECIDUOUS
- 12" F FRUIT
- 12" G HOLLY
- 12" H MAPLE
- 12" I MADRONA
- 12" J RHODODENDRON
- 12" K YEW
- 12" L CEDAR
- 12" M CONIFER
- 12" N FIR
- 12" O HEALING
- 12" P PINE
- 12" Q SEQUOIA



Know what's below.
Call before you dig.

SE 1/4, NE 1/4, SEC. 12, TWP. 24N., RGE. 4E., W.M.
CITY OF MERCER ISLAND, KING COUNTY, WASHINGTON

REV#	DESCRIPTION OF REVISION	DATE	BY
#1	WETLAND FLAG DELINEATION AND SOIL PIT LOCATION	05/03/13	EM
#2			
#3			
#4			
#5			
#6			
#7			

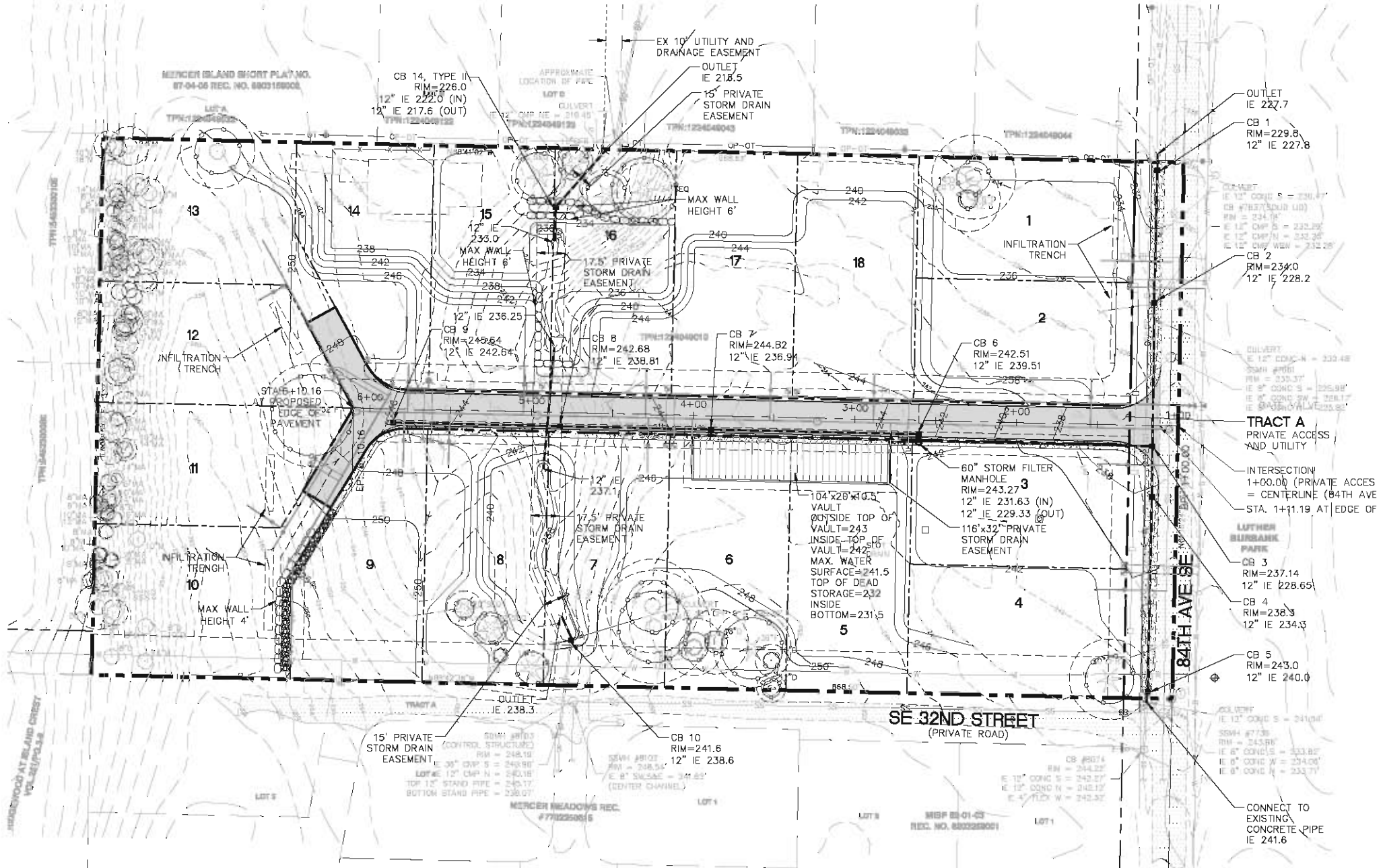


BOUNDARY AND TOPOGRAPHIC SURVEY OF 3501 84TH AVE SE

PAC LAND
11711 SE 8th St.
Suite 303
Bellevue, WA 98005
T (425) 453-9501
F (425) 453-8208
www.PacLand.com

Axis
Survey & Mapping
13005 NE 196th Pl.
Kirkland, WA 98034
TEL 425-823-5700
FAX 425-823-4700

www.axismap.com	
JOB NO.	DATE
13-020	5/3/13
DRAWN BY	CHECKED BY
BAI/EM	ZLN
SCALE	SHEET
1" = 30'	1 OF 1



LEGEND

- PROPERTY LINE
- STORM DRAIN PIPE
- CATCH BASIN TYPE 1
- STORM DRAIN CLEANOUT
- ROCKERY
- 248 FINISH GRADE CONTOUR
- DETENTION VAULT
- VAULT ACCESS RISER
- STORMFILTER MANHOLE
- DRIPLINE (APPROX) FOR TREE TO BE RETAINED
- TREE PROTECTION TO BE PROVIDED WITH ORANGE CONSTRUCTION FENCING

GRAPHIC SCALE
1 inch = 40 ft.

TREE LEGEND

12" A ALDER	12" C CEDAR
12" B BIRCH	12" F FR
12" D COTTONWOOD	12" H HEMLOCK
12" E CHERRY	12" P PINE
12" G DECIDUOUS	12" S SUGAR
12" I FRUIT	
12" J HOLLY	
12" K MAPLE	
12" L WILLOW	
12" M YEW	
12" N YEW	
12" O YEW	
12" P YEW	
12" Q YEW	
12" R YEW	
12" S YEW	
12" T YEW	
12" U YEW	
12" V YEW	
12" W YEW	
12" X YEW	
12" Y YEW	
12" Z YEW	

- NOTES**
- ALL EXISTING ONSITE STRUCTURES AND VEGETATION TO BE REMOVED UNLESS OTHERWISE SHOWN.
 - EARTHWORK QUANTITIES HAVE BEEN PRELIMINARILY CALCULATED TO BE 18,000 CY (GUT), 22,000 CY (FILL), OR 4,000 GY (NET FILL).

PAD ELEVATIONS

LOT #	Pad Elevation	
	Upper	Lower
1	235	
2	238	
3	240	
4	243	
5	248	
6	246	
7	246	242
8	249	240
9	251	
10	254	
11	250	
12	250	
13	250	
14	248	238
15	246	234
16	245	235
17	245	235
18	245	

COVAL PROPERTY
MI 84TH PARTNERSHIP
3051 84TH AVENUE SE
MERCER ISLAND, WA 98040

PRELIMINARY GRADING AND DRAINAGE PLAN

PACLAND

11400 SE 8th St.
Suite 345
Bellevue, WA 98004

T (425) 453-9501
F (425) 453-6208
www.PacLand.com

No.	Date	By	Revision Description
1	10/7/13	PACLAND	PER CITY COMMENTS

Issue Date: 10/4/2013

Designed By: SRB

Drawn By: JMA /AKP

Checked By: SRB

Project No.: 50135002

PRELIMINARY PLAT

10/17/2013

C-1.0

ROOF AREAS WITHIN LOTS 10-12 WILL INFILTRATE WITHIN TRENCHES SIZED FOR THE 0.5 IN/HR LONG-TERM INFILTRATION RATE PROVIDED BY THE GEOTECHNICAL ENGINEER.

A PORTION OF LOTS 15 AND 16 WILL BE BYPASS AREA. THIS AREA WILL BE CONVEYED NORTH WITH THE OFFSITE FLOWS AND JOIN THE SITE RUNOFF WITHN 1/4 MILE DOWNSTREAM.

ROOF AND LANDSCAPE AREAS WITHIN LOTS 1 AND 2 WILL INFILTRATE WITHIN TRENCHES SIZED FOR THE 2 IN/HR LONG-TERM INFILTRATION RATE PROVIDED BY THE GEOTECHNICAL ENGINEER.

- DRAINAGE TO VAULT
- TRENCH DRAIN INFILTRATION 2 IN/HR
- TRENCH DRAIN INFILTRATION 0.5 IN/HR
- BYPASS AREA
- NOT INCLUDED

THE R.O.W. FRONTAGE AND A PORTION OF THE ROAD HAVE BEEN MODELED AS BYPASS.

0.087 ACRES OF EXISTING ROADWAY WERE NOT INCLUDED AS PART OF PROJECT.

SSMH #7661
RIM = 235.37'
IE 8" CONC S = 225.98'
IE 8" CONC SW = 226.17'
IE 8" CONC N = 225.82'
TRACT A
PRIVATE ACCESS AND UTILITY

DRIVEWAY RUNOFF FROM LOTS 1-4 HAVE BEEN MODELED AS BYPASS.

0.19 ACRES OF STEEP SLOPES WERE NOT INCLUDED IN THE STORMWATER CALCULATIONS. THESE AREAS WILL NOT BE DEVELOPED AS PART AS THE PROPOSED PROJECT.

ALL DRIVEWAY RUNOFF FROM LOTS 5-18 HAS BEEN INCLUDED IN THE AREA BEING CONVEYED TO THE DETENTION VAULT.

COVAL HOUSE STORMWATER AREAS EXHIBIT

APPENDIX B
OPERATION AND MAINTENANCE MANUAL

The owner or operator of the project shall be responsible for maintaining the stormwater facilities in accordance with local requirements. Proper maintenance is important for adequate functioning of the stormwater facilities. Operations and maintenance guidelines are provided below.

No. 2 – Infiltration

Maintenance Component	Defect	Conditions When Maintenance Is Needed	Results Expected When Maintenance Is Performed
General	Trash & Debris	See "Detention Ponds" (No. 1).	See "Detention Ponds" (No. 1).
	Poisonous/Noxious Vegetation	See "Detention Ponds" (No. 1).	See "Detention Ponds" (No. 1).
	Contaminants and Pollution	See "Detention Ponds" (No. 1).	See "Detention Ponds" (No. 1).
	Rodent Holes	See "Detention Ponds" (No. 1).	See "Detention Ponds" (No. 1).
Storage Area	Sediment	Water ponding in infiltration pond after rainfall ceases and appropriate time allowed for infiltration. (A percolation test pit or test of facility indicates facility is only working at 90% of its designed capabilities. If two inches or more sediment is present, remove).	Sediment is removed and/or facility is cleaned so that infiltration system works according to design.
Filter Bags (if applicable)	Filled with Sediment and Debris	Sediment and debris fill bag more than 1/2 full.	Filter bag is replaced or system is redesigned.
Rock Filters	Sediment and Debris	By visual inspection, little or no water flows through filter during heavy rain storms.	Gravel in rock filter is replaced.
Side Slopes of Pond	Erosion	See "Detention Ponds" (No. 1).	See "Detention Ponds" (No. 1).
Emergency Overflow Spillway and Berms over 4 feet in height.	Tree Growth	See "Detention Ponds" (No. 1).	See "Detention Ponds" (No. 1).
	Piping	See "Detention Ponds" (No. 1).	See "Detention Ponds" (No. 1).
Emergency Overflow Spillway	Rock Missing	See "Detention Ponds" (No. 1).	See "Detention Ponds" (No. 1).
	Erosion	See "Detention Ponds" (No. 1).	See "Detention Ponds" (No. 1).
Pre-settling Ponds and Vaults	Facility or sump filled with Sediment and/or debris	6" or designed sediment trap depth of sediment.	Sediment is removed.

No. 3 – Closed Detention Systems (Tanks/Vaults)

Maintenance Component	Defect	Conditions When Maintenance is Needed	Results Expected When Maintenance is Performed
Storage Area	Plugged Air Vents	One-half of the cross section of a vent is blocked at any point or the vent is damaged.	Vents open and functioning.
	Debris and Sediment	Accumulated sediment depth exceeds 10% of the diameter of the storage area for 1/2 length of storage vault or any point depth exceeds 15% of diameter. (Example: 72-inch storage tank would require cleaning when sediment reaches depth of 7 inches for more than 1/2 length of tank.)	All sediment and debris removed from storage area.
	Joints Between Tank/Pipe Section	Any openings or voids allowing material to be transported into facility. (Will require engineering analysis to determine structural stability).	All joint between tank/pipe sections are sealed.
	Tank Pipe Bent Out of Shape	Any part of tank/pipe is bent out of shape more than 10% of its design shape. (Review required by engineer to determine structural stability).	Tank/pipe repaired or replaced to design.
	Vault Structure Includes Cracks in Wall, Bottom, Damage to Frame and/or Top Slab	Cracks wider than 1/2-inch and any evidence of soil particles entering the structure through the cracks, or maintenance/inspection personnel determines that the vault is not structurally sound. Cracks wider than 1/2-inch at the joint of any inlet/outlet pipe or any evidence of soil particles entering the vault through the walls.	Vault replaced or repaired to design specifications and is structurally sound. No cracks more than 1/4-inch wide at the joint of the inlet/outlet pipe.
Manhole	Cover Not in Place	Cover is missing or only partially in place. Any open manhole requires maintenance.	Manhole is closed.
	Locking Mechanism Not Working	Mechanism cannot be opened by one maintenance person with proper tools. Bolts into frame have less than 1/2 inch of thread (may not apply to self-locking lids).	Mechanism opens with proper tools.
	Cover Difficult to Remove	One maintenance person cannot remove lid after applying normal lifting pressure. Intent is to keep cover from sealing off access to maintenance.	Cover can be removed and reinstalled by one maintenance person.
	Ladder Rungs Unsafe	Ladder is unsafe due to missing rungs, misalignment, not securely attached to structure wall, rust, or cracks.	Ladder meets design standards. Allows maintenance person safe access.
Catch Basins	See "Catch Basins" (No. 5)	See "Catch Basins" (No. 5).	See "Catch Basins" (No. 5).

No. 4 – Control Structure/Flow Restrictor

Maintenance Component	Defect	Condition When Maintenance is Needed	Results Expected When Maintenance is Performed
General	Trash and Debris (Includes Sediment)	Material exceeds 25% of sump depth or 1 foot below orifice plate.	Control structure orifice is not blocked. All trash and debris removed.
	Structural Damage	Structure is not securely attached to manhole wall.	Structure securely attached to wall and outlet pipe.
		Structure is not in upright position (allow up to 10% from plumb).	Structure in correct position.
		Connections to outlet pipe are not watertight and show signs of rust.	Connections to outlet pipe are water tight; structure repaired or replaced and works as designed.
		Any holes--other than designed holes--in the structure.	Structure has no holes other than designed holes.
Cleanout Gate	Damaged or Missing	Cleanout gate is not watertight or is missing.	Gate is watertight and works as designed.
		Gate cannot be moved up and down by one maintenance person.	Gate moves up and down easily and is watertight.
		Chain/rod leading to gate is missing or damaged.	Chain is in place and works as designed.
		Gate is rusted over 50% of its surface area.	Gate is repaired or replaced to meet design standards.
Orifice Plate	Damaged or Missing	Control device is not working properly due to missing, out of place, or bent orifice plate.	Plate is in place and works as designed.
	Obstructions	Any trash, debris, sediment, or vegetation blocking the plate.	Plate is free of all obstructions and works as designed.
Overflow Pipe	Obstructions	Any trash or debris blocking (or having the potential of blocking) the overflow pipe.	Pipe is free of all obstructions and works as designed.
Manhole	See "Closed Detention Systems" (No. 3).	See "Closed Detention Systems" (No. 3).	See "Closed Detention Systems" (No. 3).
Catch Basin	See "Catch Basins" (No. 5).	See "Catch Basins" (No. 5).	See "Catch Basins" (No. 5).

No. 5 – Catch Basins

Maintenance Component	Defect	Conditions When Maintenance is Needed	Results Expected When Maintenance is performed
General	Trash & Debris	Trash or debris which is located immediately in front of the catch basin opening or is blocking inletting capacity of the basin by more than 10%.	No Trash or debris located immediately in front of catch basin or on grate opening.
		Trash or debris (in the basin) that exceeds 60 percent of the sump depth as measured from the bottom of basin to invert of the lowest pipe into or out of the basin, but in no case less than a minimum of six inches clearance from the debris surface to the invert of the lowest pipe.	No trash or debris in the catch basin.
		Trash or debris in any inlet or outlet pipe blocking more than 1/3 of its height.	Inlet and outlet pipes free of trash or debris.
		Dead animals or vegetation that could generate odors that could cause complaints or dangerous gases (e.g., methane).	No dead animals or vegetation present within the catch basin.
	Sediment	Sediment (in the basin) that exceeds 60 percent of the sump depth as measured from the bottom of basin to invert of the lowest pipe into or out of the basin, but in no case less than a minimum of 6 inches clearance from the sediment surface to the invert of the lowest pipe.	No sediment in the catch basin
	Structure Damage to Frame and/or Top Slab	Top slab has holes larger than 2 square inches or cracks wider than 1/4 inch (Intent is to make sure no material is running into basin).	Top slab is free of holes and cracks.
		Frame not sitting flush on top slab, i.e., separation of more than 3/4 inch of the frame from the top slab. Frame not securely attached	Frame is sitting flush on the riser rings or top slab and firmly attached.
	Fractures or Cracks in Basin Walls/ Bottom	Maintenance person judges that structure is unsound.	Basin replaced or repaired to design standards.
		Grout fillet has separated or cracked wider than 1/2 inch and longer than 1 foot at the joint of any inlet/outlet pipe or any evidence of soil particles entering catch basin through cracks.	Pipe is regouted and secure at basin wall.
	Settlement/ Misalignment	If failure of basin has created a safety, function, or design problem.	Basin replaced or repaired to design standards.
	Vegetation	Vegetation growing across and blocking more than 10% of the basin opening.	No vegetation blocking opening to basin.
		Vegetation growing in inlet/outlet pipe joints that is more than six inches tall and less than six inches apart.	No vegetation or root growth present.

No. 5 – Catch Basins

Maintenance Component	Defect	Conditions When Maintenance is Needed	Results Expected When Maintenance is performed
	Contamination and Pollution	See "Detention Ponds" (No. 1).	No pollution present.
Catch Basin Cover	Cover Not in Place	Cover is missing or only partially in place. Any open catch basin requires maintenance.	Catch basin cover is closed
	Locking Mechanism Not Working	Mechanism cannot be opened by one maintenance person with proper tools. Bolts into frame have less than 1/2 inch of thread.	Mechanism opens with proper tools.
	Cover Difficult to Remove	One maintenance person cannot remove lid after applying normal lifting pressure. (Intent is keep cover from sealing off access to maintenance.)	Cover can be removed by one maintenance person.
Ladder	Ladder Rungs Unsafe	Ladder is unsafe due to missing rungs, not securely attached to basin wall, misalignment, rust, cracks, or sharp edges.	Ladder meets design standards and allows maintenance person safe access.
Metal Grates (If Applicable)	Grate opening Unsafe	Grate with opening wider than 7/8 inch.	Grate opening meets design standards.
	Trash and Debris	Trash and debris that is blocking more than 20% of grate surface inletting capacity.	Grate free of trash and debris.
	Damaged or Missing.	Grate missing or broken member(s) of the grate.	Grate is in place and meets design standards.

No. 6 – Debris Barriers (e.g., Trash Racks)

Maintenance Components	Defect	Condition When Maintenance is Needed	Results Expected When Maintenance is Performed
General	Trash and Debris	Trash or debris that is plugging more than 20% of the openings in the barrier.	Barrier cleared to design flow capacity.
Metal	Damaged/ Missing Bars.	Bars are bent out of shape more than 3 inches.	Bars in place with no bends more than 3/4 inch.
		Bars are missing or entire barrier missing.	Bars in place according to design.
		Bars are loose and rust is causing 50% deterioration to any part of barrier.	Barrier replaced or repaired to design standards.
	Inlet/Outlet Pipe	Debris barrier missing or not attached to pipe	Barrier firmly attached to pipe

No. 15 – Stormfilter™ (leaf compost filter)

Maintenance Component	Defect	Condition When Maintenance is Needed	Results Expected When Maintenance is Performed
Below Ground Vault	Sediment Accumulation on Media.	Sediment depth exceeds 0.25-inches.	No sediment deposits which would impede permeability of the compost media.
	Sediment Accumulation in Vault	Sediment depth exceeds 6-inches in first chamber.	No sediment deposits in vault bottom of first chamber.
	Trash/Debris Accumulation	Trash and debris accumulated on compost filter bed.	Trash and debris removed from the compost filter bed.
	Sediment in Drain Pipes/Clean-Outs	When drain pipes, clean-outs, become full with sediment and/or debris.	Sediment and debris removed.
	Damaged Pipes	Any part of the pipes that are crushed or damaged due to corrosion and/or settlement.	Pipe repaired and/or replaced.
	Access Cover Damaged/Not Working	Cover cannot be opened; one person cannot open the cover using normal lifting pressure, corrosion/deformation of cover.	Cover repaired to proper working specifications or replaced.
	Vault Structure Includes Cracks in Wall, Bottom, Damage to Frame and/or Top Slab	Cracks wider than 1/2-inch or evidence of soil particles entering the structure through the cracks, or maintenance/inspection personnel determine that the vault is not structurally sound.	Vault replaced or repairs made so that vault meets design specifications and is structurally sound.
		Cracks wider than 1/2-inch at the joint of any inlet/outlet pipe or evidence of soil particles entering through the cracks.	Vault repaired so that no cracks exist wider than 1/4-inch at the joint of the inlet/outlet pipe.
	Baffles	Baffles corroding, cracking warping, and/or showing signs of failure as determined by maintenance/inspection person.	Baffles repaired or replaced to specifications.
	Access Ladder Damaged	Ladder is corroded or deteriorated, not functioning properly, not securely attached to structure wall, missing rungs, cracks, and misaligned.	Ladder replaced or repaired and meets specifications, and is safe to use as determined by inspection personnel.
Below Ground Cartridge Type	Compost Media	Drawdown of water through the media takes longer than 1 hour, and/or overflow occurs frequently.	Media cartridges replaced.
	Short Circuiting	Flows do not properly enter filter cartridges.	Filter cartridges replaced.

APPENDIX C

NOT USED

APPENDIX D
DETAILED WWHM3 REPORTS

Western Washington Hydrology Model
PROJECT REPORT

Project Name: 131008 WWHM
Site Address:
City : Mercer Island
Report Date : 10/8/2013
Gage : Seatac
Data Start : 1948/10/01
Data End : 1998/09/30
Precip Scale: 1.00
WWHM3 Version:

PREDEVELOPED LAND USE

Name : Basin 1
Bypass: No

GroundWater: No

Pervious Land Use	Acres
C, Forest, Flat	4.82

Impervious Land Use	Acres
---------------------	-------

Element Flows To:
Surface Interflow Groundwater

Name : Drainage Area to Vault
Bypass: No

GroundWater: No

Pervious Land Use	Acres
C, Lawn, Flat	2.581

Impervious Land Use	Acres
ROADS FLAT	0.213
ROOF TOPS FLAT	0.895
DRIVEWAYS FLAT	0.257

Element Flows To:
Surface Interflow Groundwater
Vault , Vault ,

Name : Vault
Width : 26 ft.
Length : 120 ft.
Depth: 10.5ft.
Discharge Structure
Riser Height: 9.5 ft.
Riser Diameter: 18 in.
Orifice 1 Diameter: 0.9375 in. Elevation: 0 ft.
Orifice 1 Diameter: 1.5 in. Elevation: 6.125 ft.
Orifice 1 Diameter: 0.9375 in. Elevation: 6.875 ft.

Element Flows To:
 Outlet 1 Outlet 2

Vault Hydraulic Table				
Stage(ft)	Area(acr)	Volume(acr-ft)	Dschrg(cfs)	Infilt(cfs)
0.000	0.072	0.000	0.000	0.000
0.117	0.072	0.008	0.008	0.000
0.233	0.072	0.017	0.011	0.000
0.350	0.072	0.025	0.014	0.000
0.467	0.072	0.033	0.016	0.000
0.583	0.072	0.042	0.018	0.000
0.700	0.072	0.050	0.019	0.000
0.817	0.072	0.058	0.021	0.000
0.933	0.072	0.067	0.022	0.000
1.050	0.072	0.075	0.024	0.000
1.167	0.072	0.084	0.025	0.000
1.283	0.072	0.092	0.026	0.000
1.400	0.072	0.100	0.027	0.000
1.517	0.072	0.109	0.028	0.000
1.633	0.072	0.117	0.030	0.000
1.750	0.072	0.125	0.031	0.000
1.867	0.072	0.134	0.032	0.000
1.983	0.072	0.142	0.033	0.000
2.100	0.072	0.150	0.033	0.000
2.217	0.072	0.159	0.034	0.000
2.333	0.072	0.167	0.035	0.000
2.450	0.072	0.175	0.036	0.000
2.567	0.072	0.184	0.037	0.000
2.683	0.072	0.192	0.038	0.000
2.800	0.072	0.201	0.039	0.000
2.917	0.072	0.209	0.039	0.000
3.033	0.072	0.217	0.040	0.000
3.150	0.072	0.226	0.041	0.000
3.267	0.072	0.234	0.042	0.000
3.383	0.072	0.242	0.042	0.000
3.500	0.072	0.251	0.043	0.000
3.617	0.072	0.259	0.044	0.000
3.733	0.072	0.267	0.045	0.000
3.850	0.072	0.276	0.045	0.000
3.967	0.072	0.284	0.046	0.000
4.083	0.072	0.292	0.047	0.000
4.200	0.072	0.301	0.047	0.000
4.317	0.072	0.309	0.048	0.000
4.433	0.072	0.318	0.049	0.000
4.550	0.072	0.326	0.049	0.000
4.667	0.072	0.334	0.050	0.000
4.783	0.072	0.343	0.050	0.000
4.900	0.072	0.351	0.051	0.000
5.017	0.072	0.359	0.052	0.000
5.133	0.072	0.368	0.052	0.000
5.250	0.072	0.376	0.053	0.000
5.367	0.072	0.384	0.053	0.000
5.483	0.072	0.393	0.054	0.000
5.600	0.072	0.401	0.055	0.000
5.717	0.072	0.409	0.055	0.000
5.833	0.072	0.418	0.056	0.000
5.950	0.072	0.426	0.056	0.000
6.067	0.072	0.435	0.057	0.000
6.183	0.072	0.443	0.072	0.000
6.300	0.072	0.451	0.083	0.000
6.417	0.072	0.460	0.090	0.000
6.533	0.072	0.468	0.097	0.000

6.650	0.072	0.476	0.102	0.000
6.767	0.072	0.485	0.107	0.000
6.883	0.072	0.493	0.114	0.000
7.000	0.072	0.501	0.125	0.000
7.117	0.072	0.510	0.132	0.000
7.233	0.072	0.518	0.138	0.000
7.350	0.072	0.526	0.144	0.000
7.467	0.072	0.535	0.149	0.000
7.583	0.072	0.543	0.154	0.000
7.700	0.072	0.552	0.159	0.000
7.817	0.072	0.560	0.164	0.000
7.933	0.072	0.568	0.168	0.000
8.050	0.072	0.577	0.173	0.000
8.167	0.072	0.585	0.177	0.000
8.283	0.072	0.593	0.181	0.000
8.400	0.072	0.602	0.185	0.000
8.517	0.072	0.610	0.188	0.000
8.633	0.072	0.618	0.192	0.000
8.750	0.072	0.627	0.196	0.000
8.867	0.072	0.635	0.199	0.000
8.983	0.072	0.643	0.203	0.000
9.100	0.072	0.652	0.206	0.000
9.217	0.072	0.660	0.209	0.000
9.333	0.072	0.669	0.213	0.000
9.450	0.072	0.677	0.216	0.000
9.567	0.072	0.685	0.470	0.000
9.683	0.072	0.694	1.369	0.000
9.800	0.072	0.702	2.625	0.000
9.917	0.072	0.710	4.157	0.000
10.03	0.072	0.719	5.921	0.000
10.15	0.072	0.727	7.889	0.000
10.27	0.072	0.735	10.04	0.000
10.38	0.072	0.744	12.37	0.000
10.50	0.072	0.752	14.85	0.000
10.62	0.072	0.760	17.48	0.000
10.73	0.000	0.000	20.26	0.000

Name : Lots 1 and 2 Gravel Trench (2 in/hr)
Bypass: No

GroundWater: No

Pervious Land Use	Acres
C, Lawn, Flat	.264

Impervious Land Use	Acres
ROOF TOPS FLAT	0.1376

Element Flows To:

Surface	Interflow	Groundwater
rench (Lots 1 and 2),	rench (Lots 1 and 2),	

Name : (Lot 10) Gravel Trench (0.5in/hr)
Bypass: No

GroundWater: No

Pervious Land Use	Acres
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Impervious Land Use	Acres
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ROOF TOPS FLAT 0.0688

Element Flows To:
Surface Interflow Groundwater
Gravel Trench (Lot 10), Gravel Trench (Lot 10),

Name : Lots 11 and 12 Gravel Trench (0.5 in/hr)
Bypass: No

GroundWater: No

Pervious Land Use Acres
Impervious Land Use Acres
ROOF TOPS FLAT 0.1376

Element Flows To:
Surface Interflow Groundwater
nch (Lots 11 and 12), nch (Lots 11 and 12),

Name : nch (Lots 11 and 12)
Bottom Length: 70ft.
Bottom Width : 5ft.
Trench bottom slope 1: 0.01 To 1
Trench Left side slope 0: 0 To 1
Trench right side slope 2: 0 To 1
Material thickness of first layer : 7.25
Pour Space of material for first layer : 0.4
Material thickness of second layer : 0
Pour Space of material for second layer : 0
Material thickness of third layer : 0
Pour Space of material for third layer : 0
Infiltration On
Infiltration rate : 0.5
Infiltration safety factor : 1
Wetted surface area On
Discharge Structure
Riser Height: 7.25 ft.
Riser Diameter: 12 in.

Element Flows To:
Outlet 1 Outlet 2
Vault ,

Gravel Trench Bed Hydraulic Table				
Stage(ft)	Area(acr)	Volume(acr-ft)	Dschrg(cfs)	Infilt(cfs)
0.000	0.008	0.000	0.000	0.000
0.092	0.008	0.000	0.000	0.004
0.183	0.008	0.001	0.000	0.004
0.275	0.008	0.001	0.000	0.005
0.367	0.008	0.001	0.000	0.005
0.458	0.008	0.001	0.000	0.005
0.550	0.008	0.002	0.000	0.005
0.642	0.008	0.002	0.000	0.005

0.733	0.008	0.002	0.000	0.005
0.825	0.008	0.003	0.000	0.005
0.917	0.008	0.003	0.000	0.006
1.008	0.008	0.003	0.000	0.006
1.100	0.008	0.004	0.000	0.006
1.192	0.008	0.004	0.000	0.006
1.283	0.008	0.004	0.000	0.006
1.375	0.008	0.004	0.000	0.006
1.467	0.008	0.005	0.000	0.007
1.558	0.008	0.005	0.000	0.007
1.650	0.008	0.005	0.000	0.007
1.742	0.008	0.006	0.000	0.007
1.833	0.008	0.006	0.000	0.007
1.925	0.008	0.006	0.000	0.007
2.017	0.008	0.006	0.000	0.008
2.108	0.008	0.007	0.000	0.008
2.200	0.008	0.007	0.000	0.008
2.292	0.008	0.007	0.000	0.008
2.383	0.008	0.008	0.000	0.008
2.475	0.008	0.008	0.000	0.008
2.567	0.008	0.008	0.000	0.009
2.658	0.008	0.009	0.000	0.009
2.750	0.008	0.009	0.000	0.009
2.842	0.008	0.009	0.000	0.009
2.933	0.008	0.009	0.000	0.009
3.025	0.008	0.010	0.000	0.009
3.117	0.008	0.010	0.000	0.009
3.208	0.008	0.010	0.000	0.010
3.300	0.008	0.011	0.000	0.010
3.392	0.008	0.011	0.000	0.010
3.483	0.008	0.011	0.000	0.010
3.575	0.008	0.011	0.000	0.010
3.667	0.008	0.012	0.000	0.010
3.758	0.008	0.012	0.000	0.011
3.850	0.008	0.012	0.000	0.011
3.942	0.008	0.013	0.000	0.011
4.033	0.008	0.013	0.000	0.011
4.125	0.008	0.013	0.000	0.011
4.217	0.008	0.014	0.000	0.011
4.308	0.008	0.014	0.000	0.012
4.400	0.008	0.014	0.000	0.012
4.492	0.008	0.014	0.000	0.012
4.583	0.008	0.015	0.000	0.012
4.675	0.008	0.015	0.000	0.012
4.767	0.008	0.015	0.000	0.012
4.858	0.008	0.016	0.000	0.012
4.950	0.008	0.016	0.000	0.013
5.042	0.008	0.016	0.000	0.013
5.133	0.008	0.017	0.000	0.013
5.225	0.008	0.017	0.000	0.013
5.317	0.008	0.017	0.000	0.013
5.408	0.008	0.017	0.000	0.013
5.500	0.008	0.018	0.000	0.014
5.592	0.008	0.018	0.000	0.014
5.683	0.008	0.018	0.000	0.014
5.775	0.008	0.019	0.000	0.014
5.867	0.008	0.019	0.000	0.014
5.958	0.008	0.019	0.000	0.014
6.050	0.008	0.019	0.000	0.015
6.142	0.008	0.020	0.000	0.015
6.233	0.008	0.020	0.000	0.015
6.325	0.008	0.020	0.000	0.015
6.417	0.008	0.021	0.000	0.015
6.508	0.008	0.021	0.000	0.015
6.600	0.008	0.021	0.000	0.016
6.692	0.008	0.022	0.000	0.016

6.783	0.008	0.022	0.000	0.016
6.875	0.008	0.022	0.000	0.016
6.967	0.008	0.022	0.000	0.016
7.058	0.008	0.023	0.000	0.016
7.150	0.008	0.023	0.000	0.016
7.242	0.008	0.023	0.000	0.017
7.333	0.008	0.024	0.234	0.017
7.425	0.008	0.025	0.713	0.017
7.517	0.008	0.026	1.341	0.017
7.608	0.008	0.026	2.089	0.017
7.700	0.008	0.027	2.940	0.017
7.792	0.008	0.028	3.883	0.018
7.883	0.008	0.028	4.909	0.018
7.975	0.008	0.029	6.012	0.018
8.067	0.008	0.030	7.188	0.018
8.158	0.008	0.031	8.431	0.018

Name : trench (Lots 1 and 2)

Bottom Length: 80ft.

Bottom Width : 5ft.

Trench bottom slope 1: 0.01 To 1

Trench Left side slope 0: 0 To 1

Trench right side slope 2: 0 To 1

Material thickness of first layer : 5.25

Pour Space of material for first layer : 0.4

Material thickness of second layer : 0

Pour Space of material for second layer : 0

Material thickness of third layer : 0

Pour Space of material for third layer : 0

Infiltration On

Infiltration rate : 2

Infiltration safety factor : 1

Wetted surface area On

Discharge Structure

Riser Height: 5.25 ft.

Riser Diameter: 12 in.

Element Flows To:

Outlet 1 Outlet 2

Vault ,

Gravel Trench Bed Hydraulic Table				
Stage(ft)	Area(acr)	Volume(acr-ft)	Dschrg(cfs)	Infilt(cfs)
0.000	0.009	0.000	0.000	0.000
0.069	0.009	0.000	0.000	0.019
0.139	0.009	0.001	0.000	0.020
0.208	0.009	0.001	0.000	0.020
0.278	0.009	0.001	0.000	0.021
0.347	0.009	0.001	0.000	0.021
0.417	0.009	0.002	0.000	0.022
0.486	0.009	0.002	0.000	0.022
0.556	0.009	0.002	0.000	0.023
0.625	0.009	0.002	0.000	0.023
0.694	0.009	0.003	0.000	0.024
0.764	0.009	0.003	0.000	0.025
0.833	0.009	0.003	0.000	0.025
0.903	0.009	0.003	0.000	0.026
0.972	0.009	0.004	0.000	0.026
1.042	0.009	0.004	0.000	0.027
1.111	0.009	0.004	0.000	0.027
1.181	0.009	0.004	0.000	0.028
1.250	0.009	0.005	0.000	0.028
1.319	0.009	0.005	0.000	0.029

1.389	0.009	0.005	0.000	0.029
1.458	0.009	0.005	0.000	0.030
1.528	0.009	0.006	0.000	0.031
1.597	0.009	0.006	0.000	0.031
1.667	0.009	0.006	0.000	0.032
1.736	0.009	0.006	0.000	0.032
1.806	0.009	0.007	0.000	0.033
1.875	0.009	0.007	0.000	0.033
1.944	0.009	0.007	0.000	0.034
2.014	0.009	0.007	0.000	0.034
2.083	0.009	0.008	0.000	0.035
2.153	0.009	0.008	0.000	0.035
2.222	0.009	0.008	0.000	0.036
2.292	0.009	0.008	0.000	0.037
2.361	0.009	0.009	0.000	0.037
2.431	0.009	0.009	0.000	0.038
2.500	0.009	0.009	0.000	0.038
2.569	0.009	0.009	0.000	0.039
2.639	0.009	0.010	0.000	0.039
2.708	0.009	0.010	0.000	0.040
2.778	0.009	0.010	0.000	0.040
2.847	0.009	0.010	0.000	0.041
2.917	0.009	0.011	0.000	0.041
2.986	0.009	0.011	0.000	0.042
3.056	0.009	0.011	0.000	0.043
3.125	0.009	0.011	0.000	0.043
3.194	0.009	0.012	0.000	0.044
3.264	0.009	0.012	0.000	0.044
3.333	0.009	0.012	0.000	0.045
3.403	0.009	0.013	0.000	0.045
3.472	0.009	0.013	0.000	0.046
3.542	0.009	0.013	0.000	0.046
3.611	0.009	0.013	0.000	0.047
3.681	0.009	0.014	0.000	0.047
3.750	0.009	0.014	0.000	0.048
3.819	0.009	0.014	0.000	0.049
3.889	0.009	0.014	0.000	0.049
3.958	0.009	0.015	0.000	0.050
4.028	0.009	0.015	0.000	0.050
4.097	0.009	0.015	0.000	0.051
4.167	0.009	0.015	0.000	0.051
4.236	0.009	0.016	0.000	0.052
4.306	0.009	0.016	0.000	0.052
4.375	0.009	0.016	0.000	0.053
4.444	0.009	0.016	0.000	0.054
4.514	0.009	0.017	0.000	0.054
4.583	0.009	0.017	0.000	0.055
4.653	0.009	0.017	0.000	0.055
4.722	0.009	0.017	0.000	0.056
4.792	0.009	0.018	0.000	0.056
4.861	0.009	0.018	0.000	0.057
4.931	0.009	0.018	0.000	0.057
5.000	0.009	0.018	0.000	0.058
5.069	0.009	0.019	0.000	0.058
5.139	0.009	0.019	0.000	0.059
5.208	0.009	0.019	0.000	0.060
5.278	0.009	0.020	0.045	0.060
5.347	0.009	0.020	0.295	0.061
5.417	0.009	0.021	0.663	0.061
5.486	0.009	0.022	1.117	0.062
5.556	0.009	0.022	1.645	0.062
5.625	0.009	0.023	2.236	0.063
5.694	0.009	0.024	2.886	0.063
5.764	0.009	0.024	3.588	0.064
5.833	0.009	0.025	4.339	0.064
5.903	0.009	0.026	5.136	0.065

5.972	0.009	0.026	5.978	0.066
6.042	0.009	0.027	6.860	0.066
6.111	0.009	0.027	7.782	0.067
6.181	0.009	0.028	8.742	0.067

Name : Gravel Trench (Lot 10)
 Bottom Length: 50ft.
 Bottom Width : 5ft.
 Trench bottom slope 1: 0.01 To 1
 Trench Left side slope 0: 0 To 1
 Trench right side slope 2: 0 To 1
 Material thickness of first layer : 9
 Pour Space of material for first layer : 0.4
 Material thickness of second layer : 0
 Pour Space of material for second layer : 0
 Material thickness of third layer : 0
 Pour Space of material for third layer : 0
 Infiltration On
 Infiltration rate : 0.5
 Infiltration safety factor : 1
 Wetted surface area On
 Discharge Structure
 Riser Height: 9 ft.
 Riser Diameter: 12 in.

Element Flows To:

Outlet 1 Outlet 2
 Vault , _____

Gravel Trench Bed Hydraulic Table

Stage(ft)	Area(acr)	Volume(acr-ft)	Dschrg(cfs)	Infilt(cfs)
0.000	0.006	0.000	0.000	0.000
0.111	0.006	0.000	0.000	0.003
0.222	0.006	0.001	0.000	0.003
0.333	0.006	0.001	0.000	0.003
0.444	0.006	0.001	0.000	0.003
0.556	0.006	0.001	0.000	0.004
0.667	0.006	0.002	0.000	0.004
0.778	0.006	0.002	0.000	0.004
0.889	0.006	0.002	0.000	0.004
1.000	0.006	0.002	0.000	0.004
1.111	0.006	0.003	0.000	0.004
1.222	0.006	0.003	0.000	0.004
1.333	0.006	0.003	0.000	0.005
1.444	0.006	0.003	0.000	0.005
1.556	0.006	0.004	0.000	0.005
1.667	0.006	0.004	0.000	0.005
1.778	0.006	0.004	0.000	0.005
1.889	0.006	0.004	0.000	0.005
2.000	0.006	0.005	0.000	0.005
2.111	0.006	0.005	0.000	0.006
2.222	0.006	0.005	0.000	0.006
2.333	0.006	0.005	0.000	0.006
2.444	0.006	0.006	0.000	0.006
2.556	0.006	0.006	0.000	0.006
2.667	0.006	0.006	0.000	0.006
2.778	0.006	0.006	0.000	0.006
2.889	0.006	0.007	0.000	0.007
3.000	0.006	0.007	0.000	0.007
3.111	0.006	0.007	0.000	0.007
3.222	0.006	0.007	0.000	0.007
3.333	0.006	0.008	0.000	0.007
3.444	0.006	0.008	0.000	0.007

3.556	0.006	0.008	0.000	0.007
3.667	0.006	0.008	0.000	0.008
3.778	0.006	0.009	0.000	0.008
3.889	0.006	0.009	0.000	0.008
4.000	0.006	0.009	0.000	0.008
4.111	0.006	0.009	0.000	0.008
4.222	0.006	0.010	0.000	0.008
4.333	0.006	0.010	0.000	0.008
4.444	0.006	0.010	0.000	0.009
4.556	0.006	0.010	0.000	0.009
4.667	0.006	0.011	0.000	0.009
4.778	0.006	0.011	0.000	0.009
4.889	0.006	0.011	0.000	0.009
5.000	0.006	0.011	0.000	0.009
5.111	0.006	0.012	0.000	0.009
5.222	0.006	0.012	0.000	0.010
5.333	0.006	0.012	0.000	0.010
5.444	0.006	0.013	0.000	0.010
5.556	0.006	0.013	0.000	0.010
5.667	0.006	0.013	0.000	0.010
5.778	0.006	0.013	0.000	0.010
5.889	0.006	0.014	0.000	0.010
6.000	0.006	0.014	0.000	0.011
6.111	0.006	0.014	0.000	0.011
6.222	0.006	0.014	0.000	0.011
6.333	0.006	0.015	0.000	0.011
6.444	0.006	0.015	0.000	0.011
6.556	0.006	0.015	0.000	0.011
6.667	0.006	0.015	0.000	0.011
6.778	0.006	0.016	0.000	0.012
6.889	0.006	0.016	0.000	0.012
7.000	0.006	0.016	0.000	0.012
7.111	0.006	0.016	0.000	0.012
7.222	0.006	0.017	0.000	0.012
7.333	0.006	0.017	0.000	0.012
7.444	0.006	0.017	0.000	0.012
7.556	0.006	0.017	0.000	0.013
7.667	0.006	0.018	0.000	0.013
7.778	0.006	0.018	0.000	0.013
7.889	0.006	0.018	0.000	0.013
8.000	0.006	0.018	0.000	0.013
8.111	0.006	0.019	0.000	0.013
8.222	0.006	0.019	0.000	0.013
8.333	0.006	0.019	0.000	0.014
8.444	0.006	0.019	0.000	0.014
8.556	0.006	0.020	0.000	0.014
8.667	0.006	0.020	0.000	0.014
8.778	0.006	0.020	0.000	0.014
8.889	0.006	0.020	0.000	0.014
9.000	0.006	0.021	0.000	0.014
9.111	0.006	0.021	0.361	0.015
9.222	0.006	0.022	1.020	0.015
9.333	0.006	0.023	1.874	0.015
9.444	0.006	0.023	2.886	0.015
9.556	0.006	0.024	4.033	0.015
9.667	0.006	0.025	5.301	0.015
9.778	0.006	0.025	6.680	0.015
9.889	0.006	0.026	8.162	0.016
10.00	0.006	0.026	9.739	0.016

Name : Bypass Areas
 Bypass: Yes

GroundWater: No

Pervious Land Use	Acres
C, Lawn, Flat	.084
Impervious Land Use	Acres
ROADS FLAT	0.131
DRIVEWAYS FLAT	0.055

Element Flows To:		
Surface	Interflow	Groundwater

MITIGATED LAND USE

ANALYSIS RESULTS

Flow Frequency Return Periods for Predeveloped. POC #1

Return Period	Flow(cfs)
2 year	0.121308
5 year	0.187972
10 year	0.224099
25 year	0.260815
50 year	0.282615
100 year	0.30053

Flow Frequency Return Periods for Mitigated. POC #1

Return Period	Flow(cfs)
2 year	0.107001
5 year	0.167638
10 year	0.219404
25 year	0.300365
50 year	0.373583
100 year	0.459334

Yearly Peaks for Predeveloped and Mitigated. POC #1

Year	Predeveloped	Mitigated
1950	0.139	0.090
1951	0.238	0.132
1952	0.303	0.432
1953	0.093	0.071
1954	0.072	0.082
1955	0.106	0.078
1956	0.186	0.088
1957	0.153	0.161
1958	0.117	0.098
1959	0.131	0.108
1960	0.108	0.083
1961	0.188	0.225
1962	0.110	0.136
1963	0.064	0.067
1964	0.087	0.081
1965	0.109	0.080
1966	0.081	0.136
1967	0.082	0.084
1968	0.179	0.099
1969	0.110	0.098
1970	0.109	0.079
1971	0.083	0.078
1972	0.079	0.092
1973	0.220	0.201

1974	0.098	0.130
1975	0.105	0.109
1976	0.150	0.103
1977	0.100	0.081
1978	0.010	0.083
1979	0.084	0.120
1980	0.051	0.074
1981	0.147	0.190
1982	0.078	0.095
1983	0.137	0.220
1984	0.133	0.099
1985	0.086	0.077
1986	0.046	0.070
1987	0.234	0.154
1988	0.196	0.209
1989	0.072	0.068
1990	0.045	0.075
1991	0.311	0.385
1992	0.275	0.226
1993	0.089	0.106
1994	0.103	0.065
1995	0.026	0.060
1996	0.147	0.110
1997	0.285	0.436
1998	0.263	0.238
1999	0.054	0.085

Ranked Yearly Peaks for Predeveloped and Mitigated. POC #1

Rank	Predeveloped	Mitigated
1	0.3106	0.4358
2	0.3030	0.4320
3	0.2850	0.3850
4	0.2745	0.2378
5	0.2633	0.2262
6	0.2380	0.2250
7	0.2342	0.2201
8	0.2201	0.2088
9	0.1957	0.2011
10	0.1878	0.1900
11	0.1859	0.1607
12	0.1792	0.1537
13	0.1526	0.1365
14	0.1502	0.1356
15	0.1468	0.1322
16	0.1467	0.1301
17	0.1389	0.1196
18	0.1367	0.1103
19	0.1331	0.1085
20	0.1312	0.1080
21	0.1174	0.1062
22	0.1099	0.1027
23	0.1096	0.0994
24	0.1094	0.0989
25	0.1087	0.0984
26	0.1084	0.0976
27	0.1059	0.0947
28	0.1048	0.0922
29	0.1033	0.0898
30	0.1000	0.0885
31	0.0982	0.0851
32	0.0933	0.0836
33	0.0893	0.0834
34	0.0867	0.0831
35	0.0855	0.0819
36	0.0842	0.0807

37	0.0831	0.0806
38	0.0823	0.0797
39	0.0808	0.0792
40	0.0790	0.0785
41	0.0776	0.0775
42	0.0719	0.0774
43	0.0716	0.0747
44	0.0643	0.0737
45	0.0537	0.0712
46	0.0506	0.0703
47	0.0464	0.0683
48	0.0454	0.0670
49	0.0261	0.0653
50	0.0099	0.0602

POC #1

The Facility PASSED

The Facility PASSED.

Flow(CFS)	Predev	Dev	Percentage	Pass/Fail
0.0607	3999	3890	97	Pass
0.0629	3710	3455	93	Pass
0.0651	3374	2971	88	Pass
0.0674	3175	2703	85	Pass
0.0696	2995	2459	82	Pass
0.0719	2806	2293	81	Pass
0.0741	2566	2085	81	Pass
0.0763	2411	1958	81	Pass
0.0786	2264	1863	82	Pass
0.0808	2135	1766	82	Pass
0.0831	1963	1645	83	Pass
0.0853	1868	1562	83	Pass
0.0876	1772	1484	83	Pass
0.0898	1681	1423	84	Pass
0.0920	1568	1329	84	Pass
0.0943	1486	1267	85	Pass
0.0965	1412	1212	85	Pass
0.0988	1343	1159	86	Pass
0.1010	1245	1075	86	Pass
0.1033	1185	1019	85	Pass
0.1055	1125	968	86	Pass
0.1077	1080	910	84	Pass
0.1100	1027	863	84	Pass
0.1122	954	820	85	Pass
0.1145	917	796	86	Pass
0.1167	885	774	87	Pass
0.1189	838	746	89	Pass
0.1212	785	716	91	Pass
0.1234	759	696	91	Pass
0.1257	722	678	93	Pass
0.1279	705	658	93	Pass
0.1302	658	630	95	Pass
0.1324	629	613	97	Pass
0.1346	609	598	98	Pass
0.1369	581	580	99	Pass
0.1391	551	555	100	Pass
0.1414	523	540	103	Pass
0.1436	502	519	103	Pass
0.1459	476	508	106	Pass
0.1481	443	477	107	Pass
0.1503	426	459	107	Pass
0.1526	411	441	107	Pass
0.1548	388	420	108	Pass
0.1571	365	394	107	Pass

0.1593	351	373	106	Pass
0.1615	340	359	105	Pass
0.1638	322	344	106	Pass
0.1660	302	327	108	Pass
0.1683	284	313	110	Pass
0.1705	276	303	109	Pass
0.1728	264	291	110	Pass
0.1750	250	277	110	Pass
0.1772	234	259	110	Pass
0.1795	224	247	110	Pass
0.1817	215	232	107	Pass
0.1840	206	221	107	Pass
0.1862	198	201	101	Pass
0.1884	191	188	98	Pass
0.1907	183	174	95	Pass
0.1929	179	163	91	Pass
0.1952	169	143	84	Pass
0.1974	164	129	78	Pass
0.1997	160	120	75	Pass
0.2019	154	112	72	Pass
0.2041	149	96	64	Pass
0.2064	143	90	62	Pass
0.2086	141	81	57	Pass
0.2109	134	72	53	Pass
0.2131	124	55	44	Pass
0.2154	120	49	40	Pass
0.2176	114	43	37	Pass
0.2198	108	40	37	Pass
0.2221	102	34	33	Pass
0.2243	93	30	32	Pass
0.2266	88	26	29	Pass
0.2288	86	24	27	Pass
0.2310	71	23	32	Pass
0.2333	67	22	32	Pass
0.2355	63	20	31	Pass
0.2378	59	20	33	Pass
0.2400	54	18	33	Pass
0.2423	50	16	32	Pass
0.2445	49	15	30	Pass
0.2467	46	14	30	Pass
0.2490	44	14	31	Pass
0.2512	37	13	35	Pass
0.2535	36	13	36	Pass
0.2557	32	13	40	Pass
0.2580	28	11	39	Pass
0.2602	25	11	44	Pass
0.2624	23	11	47	Pass
0.2647	21	11	52	Pass
0.2669	19	11	57	Pass
0.2692	18	10	55	Pass
0.2714	18	10	55	Pass
0.2736	15	10	66	Pass
0.2759	14	10	71	Pass
0.2781	13	10	76	Pass
0.2804	10	10	100	Pass
0.2826	10	10	100	Pass

Water Quality BMP Flow and Volume for POC 1.

On-line facility volume: 0.1164 acre-feet

On-line facility target flow: 0.01 cfs.

Adjusted for 15 min: 0.0649 cfs.

Off-line facility target flow: 0.038 cfs.

Adjusted for 15 min: 0.0403 cfs.

PerInd and Implnd Changes

Total of 45 changes have been made.

Implnd changes.

Name	Property	Original	Changed
ROADS FLAT LAT	.pnum	0	15
ROADS FLAT LAT	.Name		USER
ROADS FLAT LAT	USER	0	1
ROADS FLAT LAT	.Name		IN
ROADS FLAT LAT	IN	0	1
ROADS FLAT LAT	.Name		OUT
ROADS FLAT LAT	OUT	0	1
ROADS FLAT LAT	.Name		ENGL
ROADS FLAT LAT	ENGL	0	27
ROADS FLAT LAT	.Name		METER
ROADS FLAT LAT	.Name		ATMP
ROADS FLAT LAT	.Name		SNOW
ROADS FLAT LAT	.Name		IWAT
ROADS FLAT LAT	IWAT	0	1
ROADS FLAT LAT	.Name		SLD
ROADS FLAT LAT	.Name		IWG
ROADS FLAT LAT	.Name		IQAL
ROADS FLAT LAT	.Name		ATMP2
ROADS FLAT LAT	.Name		SNOW2
ROADS FLAT LAT	.Name		IWAT2
ROADS FLAT LAT	IWAT2	0	4
ROADS FLAT LAT	.Name		SLD2
ROADS FLAT LAT	.Name		IWG2
ROADS FLAT LAT	.Name		IQAL2
ROADS FLAT LAT	.Name		PVIL
ROADS FLAT LAT	PVIL	0	1
ROADS FLAT LAT	.Name		PYR
ROADS FLAT LAT	PYR	0	9
ROADS FLAT LAT	.Name		CSNO
ROADS FLAT LAT	.Name		RTOP
ROADS FLAT LAT	.Name		VRS
ROADS FLAT LAT	.Name		VNN
ROADS FLAT LAT	.Name		RTL
ROADS FLAT LAT	.Name		LSUR
ROADS FLAT LAT	LSUR	0	400
ROADS FLAT LAT	.Name		SLSUR
ROADS FLAT LAT	SLSUR	0	0.01
ROADS FLAT LAT	.Name		NSUR
ROADS FLAT LAT	NSUR	0	0.1
ROADS FLAT LAT	.Name		RETSC
ROADS FLAT LAT	RETSC	0	0.1
ROADS FLAT LAT	.Name		PETMAX
ROADS FLAT LAT	.Name		PETMIN
ROADS FLAT LAT	.Name		RETS
ROADS FLAT LAT	.Name		SURS

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Traffic

MEMORANDUM

DATE: November 6, 2013

TO: Scott Borgeson, P.E.
Pacland

FROM: Chris Forster, P.E.
TENW

SUBJECT: Coval Preliminary Plat
Trip Generation Memorandum
TENW Project No. 4813

This memorandum documents the trip generation estimate for the proposed Coval Property Preliminary Plat located in Mercer Island, Washington.

Project Description

The Coval Preliminary Plat project is located at 3051 84th Avenue SE in Mercer Island, Washington. The proposed development would include 18 new single-family lots. The existing site currently includes 1 existing single-family home which would be removed. There will be one vehicular private access road connecting the subdivision to 84th Avenue SE. A preliminary site plan is included in Attachment A.

Trip Generation Estimate

The net new trips associated with the project were determined by estimating the total trips from the proposed uses and then subtracting out the trips associated with the existing uses. The weekday daily, AM peak hour and PM peak hour trip rates used in the analysis were based on the Institute of Transportation Engineers (ITE) *Trip Generation* manual, 9th Edition.

Table 1 summarizes the net new weekday daily, AM peak hour, and PM peak hour trip generation estimates. The detailed trip generation estimates are included in Attachment B.

Table 1
Coval Preliminary Plat
Trip Generation Summary

Time Period	<u>Net New Trips Generated</u>		
	In	Out	Total
Weekday Daily	80	81	161
Weekday AM Peak Hour	3	10	13
Weekday PM Peak Hour	10	7	17

As shown in Table 1, the proposed project is estimated to generate 161 net new weekday daily trips, with 13 net new trips occurring during the weekday AM peak hour (3 entering, 10 exiting), and 17 net new trips occurring during the weekday PM peak hour (10 entering, 7 exiting).

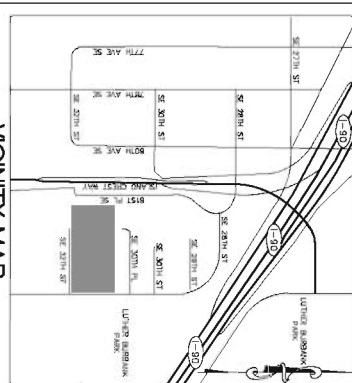
If you have any questions regarding the information presented in this analysis, please call me at 206-498-5897 or email at forster@tenw.com.

cc: Jeff Haynie, P.E. TENW Principal
Wes Giesbrecht
Rod Voth

Attachments

ATTACHMENT A

Preliminary Site Plan



CONTACTS

OWNER
WEYER HAEVEL
3051 84TH AVENUE SE
MERCER ISLAND, WA 98040

APPLICANT
GEOCHEMICAL ENGINEER
TERESA WILLOUGHBY, INC.
12525 SELLONS ROAD, #101
KIRKLAND, WA 98034
PHONE: (425) 821-7777
CONTACT: TED SCHEFFER, P.E.

W 84TH LIMITED PARTNERSHIP
15060 NORTH BLUFF ROAD
WHITE ROCK, B.C. V4A 5C5
PHONE: (206) 749-9650
CONTACT: WES GREENECHT

LANDSCAPE ARCHITECT

SURVEYOR
AXIS SURVEY & MAPPING
15005 NE 126TH PLACE
KIRKLAND, WA 98034
PHONE: (425) 823-5700
CONTACT: ZARNE HALL, P.L.S.

BIOLOGIST
FRED GLUCK DESIGN
7644 SE 41ST STREET
MERCER ISLAND, WA 98040
(206) 488-4280
CONTACT: FRED GLUCK, LA

BIOLOGIST
WATERSIDE DYNAMICS
P.O. BOX 215
EDMONTON, AL 98022
PHONE: (360) 875-9233
CONTACT: LARRY BURSTIAO

BIOLOGIST

PAACAD
11400 SE 8TH STREET, SUITE 345
BELLEVUE, WA 98004
PHONE: (425) 453-9501
CONTACT: SCOTT BORGESON, P.E.
PAUL MANZER, P.E.

ASBORGIST
GREENQUEST CORPORATION
4547 S. LUCIE STREET
SEATTLE, WA 98118
PHONE: (206) 723-1656
CONTACT: FALERO GREENFLORE

PROJECT INFORMATION

TRACT:	R-9-B
TOTAL PARCEL AREA	221.935 SF (5.1 ACRES)
R.O.W. DEDICATION	9.932 SF
PRIVATE ACCESS TRACT	13.778 SF
NET DEVELOPABLE AREA (TOTAL PARCEL AREA - ROW DEDICATION - PRIVATE ACCESS TRACT)	198.225 SF (4.55 ACRES)
MAX LOT YIELD:	(198.225 SF / 9,600 SF) =

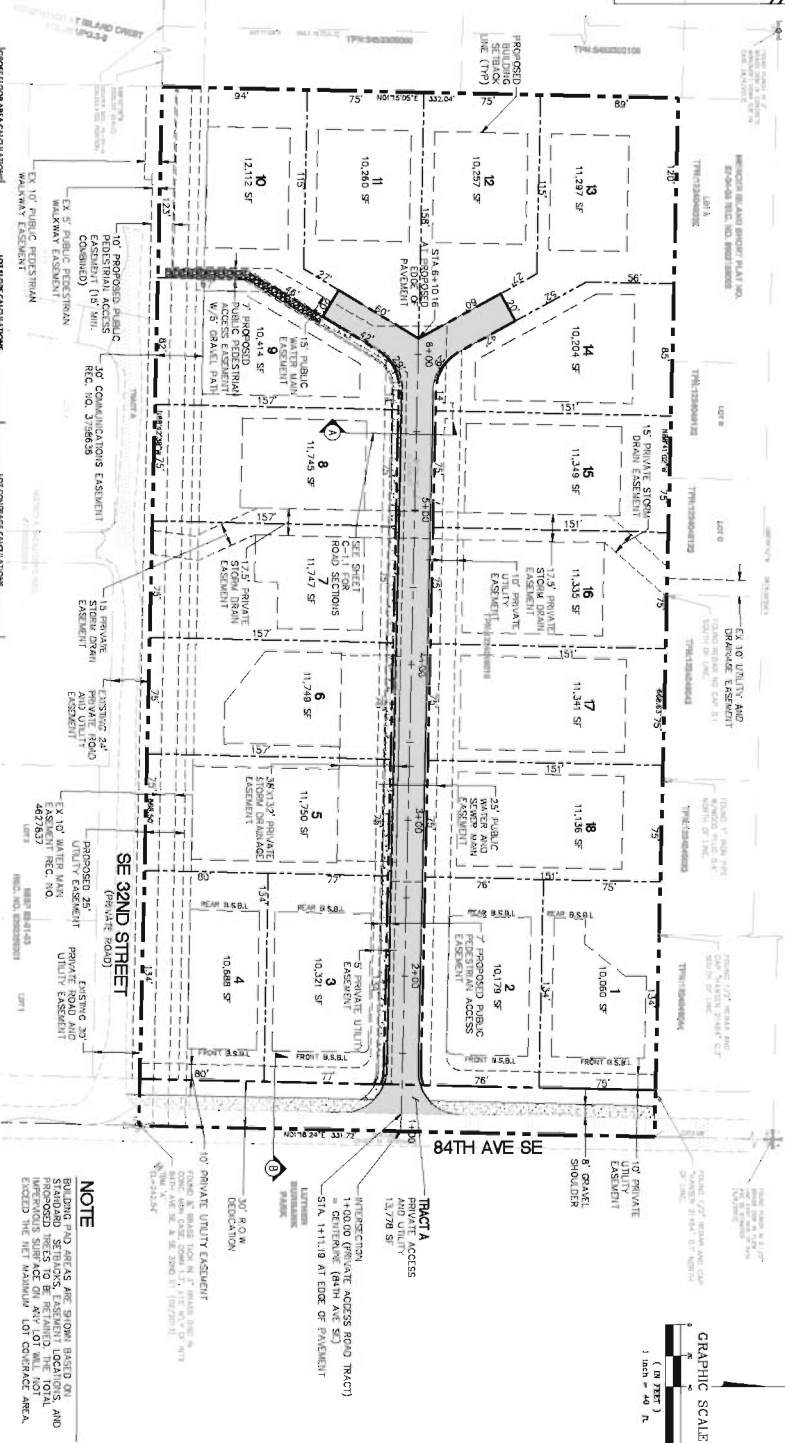
MFL LOT SIZE:

MIN. LOT DEPTH:	80'
MIN. LOT WIDTH:	75'
MAX. BUILDING HEIGHT:	
MAX. GROSS FLOOR AREA:	4541 LOT AREA
MAX. LOT COVERAGE:	40% (SIDE & REAR) 40% (SIDE & REAR) 30% (FRONT) 30% (FRONT)
TAX PARCEL NUMBER:	12264-0810
SEALING:	
LOIS:	20'
SIDE:	15' TO 16' (5' MIN)
FRONT PUBLIC R.O.W.:	16' MIN.

LEGAL DESCRIPTION

THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST
QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP
NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY,
WASHINGTON.

NE 1/4, SEC. 12, TWP. 24 N., RGE. 4 E., WM.
COVAL PROPERTY
PRELIMINARY PLAT PLANS
CITY OF MERCER ISLAND FILE NO: SUBB3-009

[illegible]

DATUM/BASIS OF BEARINGS

FIELD NO. 1019, 15" BRASS CAP IN 4"x4" CONCRETE POST IN CASE.

SHEET INDEX

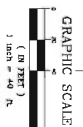
- | | | |
|----|-------|--|
| 01 | C-0/1 | COVER SHEET/PROLEGIMINARY PLAT MAP |
| 02 | S-0/1 | TOPOGRAPHIC MAP |
| 03 | C-1/0 | PROLEGIMINARY SEWING AND DRAINAGE PLAN |
| 04 | C-1/1 | PRELIMINARY ROAD PROFILES & SECTIONS |
| 05 | C-2/0 | PRELIMINARY UTILITY PLAN |
| 06 | L-1/0 | TRAIL MEDIUM/PROLEGIMINARY PLAN |

LEGEND

NOTE

BUILDING PAD AREAS ARE SHOWN BASED ON STANDARD SETBACKS, EASEMENT LOCATIONS, AND PROPOSED TREES TO BE RETAINED. THE TOTAL IMPERVIOUS SURFACE ON ANY LOT WILL NOT EXCEED THE NET MAXIMUM LOT COVERAGE AREA.

PROPOSED GRAVEL



Designed By:	Issue Date:	No.	Date	By	Revision	Description
SRB	10/4/2013	1	10/7/13	PAQLAND	PER CITY COMMENTS	
Drawn By:		2	10/24/13	PAQLAND	PER CITY COMMENTS	
JNA/AKP	PRELIMINARY PLAT					
Checked By:	Project No.					
SRB	50375003					

CY-01	<p>COVAL PROPERTY</p> <p>MI 84TH PARTNERSHIP 3051 84TH AVENUE SE MERCER ISLAND, WA 98040</p>
	<p>COVER SHEET/PRELIMINARY PLAT MAP</p>

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ATTACHMENT B

Trip Generation Estimate

Coval Preliminary Plat Trip Generation

Weekday Daily									
			ITE	Directional Split		Trip Rate	Trips Generated		
Land Use	Units		LUC ¹	In	Out	Total	In	Out	Total
Proposed Use									
Single-Family	18	Dwelling Units	210	50%	50%	9.52	85	86	171
Less Existing Use									
Single-Family	1	Dwelling Units	210	50%	50%	9.52	-5	-5	-10
Total Net New Weekday Daily Trips Generated =							80	81	161
AM Peak Hour Trip Generation									
			ITE	Directional Split		Trip Rate	Trips Generated		
Land Use	Units		LUC ¹	In	Out	Total	In	Out	Total
Proposed Use									
Single-Family	18	Dwelling Units	210	25%	75%	0.75	3	11	14
Less Existing Use									
Single-Family	1	Dwelling Units	210	25%	75%	0.75	0	-1	-1
Total Net New AM Peak Hour Trips Generated =							3	10	13
PM Peak Hour Trip Generation									
			ITE	Directional Split		Trip Rate	Trips Generated		
Land Use	Units		LUC ¹	In	Out	Total	In	Out	Total
Proposed Use									
Single-Family	18	Dwelling Units	210	63%	37%	1.00	11	7	18
Less Existing Use									
Single-Family	1	Dwelling Units	210	63%	37%	1.00	-1	0	-1
Total Net New PM Peak Hour Trips Generated =							10	7	17

Notes:

¹ Institute of Transportation Engineers, *Trip Generation* Manual, 9th Edition, 2012 Land Use Codes.

EXHIBIT 21

Shana Crick

From: Patrick Yamashita
Sent: Thursday, November 07, 2013 9:07 AM
To: Shana Crick
Subject: RE: File No. SUB13-009 - Coval Long Subdivision - PIN: 122404-9010

Shana,

Based on the trip generation memo from TENW, the project does not reach the threshold of 20 trips per peak hour so a traffic impact analysis for the project will not be required.

Patrick

From: Scott Borgeson [<mailto:sborgeson@pacland.com>]
Sent: Wednesday, November 06, 2013 5:37 PM
To: Shana Crick; Patrick Yamashita
Cc: atlin@qwestoffice.net; rvoth@rykon.com
Subject: File No. SUB13-009 - Coval Long Subdivision - PIN: 122404-9010

Shana,

In your October 30th letter that included Engineering Comments for the Coval Long Subdivision project, the following comment was included:

“SEPA Comments – Item 14.f (Transportation) – indicates that the project will generate 180 vehicle trips per day but does not identify the number of am or pm peak hour trips. Need to provide the number of am and pm peak hour trips and provide a reference to the basis for the total and peak hour trips from the ITE Trip Generation Manual. A traffic impact analysis is required if the project creates 20 or more peak hour trips.”

To address this comment, we have engaged the services of a traffic engineering consulting firm, Transportation Engineering NorthWest to provide the city with detailed documentation of the trip generation for this project. The Trip Generation Memo that they have prepared is attached and was also uploaded to the City’s FTP site today. The report indicates that the net new trips generated during the weekday PM peak hour are 17. Since this is under the threshold of 20 trips noted above, we expect that no further traffic studies will be required. Please confirm if you concur.

Additionally, we do not expect that additional changes to the submitted SEPA Checklist are warranted. It is normal practice to include estimates for items such as trip generation and earthwork numbers that are higher than detailed calculations would yield, since that provides flexibility for changes in the project design while maintaining consistency with the project’s SEPA determination.

Thank you,

Scott Borgeson, P.E.

PAC LAND

Engineering & Development
Consulting Services

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Office: (425) 453-9501 x1528 | Cell: (206) 790-3935
TURNING VISIONS INTO REALITY

**NOTICES OF
INCOMPLETENESS
AND
CORRECTIONS**

EXHIBIT 22

Shana Crick

From: Herschel Rostov
Sent: Thursday, August 15, 2013 1:40 PM
To: Shana Crick
Subject: Coval sub13-009

Here are the comments for Coval.

1. 26' minimum width road.
2. Y turn around legs shall be minimum of 60' each.
3. 2 hydrants to be installed.

Herschel Rostov, *Assistant Fire Marshal*
Mercer Island Fire Department
3030 78th Ave SE
Mercer Island, WA 98178
(206) 275-7966

Shana Crick

From: Herschel Rostov [Herschel.Rostov@mercergov.org]
Sent: Monday, August 19, 2013 4:27 PM
To: Scott Borgeson
Subject: RE: Coval Property - MI 84th Partnership - Proposed Plat

Variances or code alternates are rarely accepted for short plats or multiple building sites. I would not expect it to get approved.

Herschel Rostov, *Assistant Fire Marshal*
Mercer Island Fire Department
3030 78th Ave SE
Mercer Island, WA 98040

From: Scott Borgeson [<mailto:sborgeson@pacland.com>]
Sent: Monday, August 19, 2013 4:25 PM
To: Herschel Rostov
Subject: RE: Coval Property - MI 84th Partnership - Proposed Plat

Herschel,

Thanks for the clarification. It was mentioned in our July 30th meeting that we could apply for a “deficiency” in order to use a narrower road, if all of the buildings are sprinklered. Can you please let me know what the process is to apply for a “deficiency”, if that is the right term?

Thank you,

Scott Borgeson, P.E.

PAC LAND
Engineering & Development
Consulting Services

11400 SE 8th St, Suite 345 | Bellevue, WA 98004 << **NEW ADDRESS**
Office: (425) 453-9501 x1528 | Cell: (206) 790-3935
TURNING VISIONS INTO REALITY

From: Herschel Rostov [<mailto:Herschel.Rostov@mercergov.org>]
Sent: Monday, August 19, 2013 4:11 PM
To: Scott Borgeson
Subject: RE: Coval Property - MI 84th Partnership - Proposed Plat

I believe in the meeting of March 26th the plan was to do a looped road, not a dead end. In this configuration any road over 500 ft requires a 26 foot fire lane. Road measurement is from the road edge on 84th to the end of the required hammerhead.

Herschel Rostov, *Assistant Fire Marshal*
Mercer Island Fire Department
3030 78th Ave SE
Mercer Island, WA 98040

From: Scott Borgeson [<mailto:sborgeson@pacland.com>]
Sent: Monday, August 19, 2013 4:02 PM
To: Herschel Rostov
Cc: Patrick Yamashita; Ruji Ding; Shana Crick
Subject: Coval Property - MI 84th Partnership - Proposed Plat

Herschel,

This e-mail is to follow up with you regarding the road width that will be required for the Coval Property plat, which is located on of 84th Avenue SE. In our meeting on July 30th, it was expressed that the plat road for this project would need to be 26' wide. However, in our meeting on March 26th, you had told us that only 20' of pavement would be required and that if we provided 26' of pavement, we could have on-street parking on one side of the road. The plat road is proposed to serve 14 lots and is just over 500' in length. We designed the plat based on this earlier guidance and are not sure if there has been a change from the requirements in effect in March or if our meeting notes are incorrect.

Could you please clarify the basis for the road width requirements?

If the issue is the length of the road, could you please clarify how the City of Mercer Island measures the road length. Is it from the edge of pavement on 84th to the start of the hammerhead or is it measured in another way?

Thank you,

Scott Borgeson, P.E.

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Consulting Services

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CITY OF MERCER ISLAND

9611 SE 36th Street • Mercer Island, WA 98040-3732
(206) 275-7605 • FAX (206) 275-7726
www.mercergov.org

August 30, 2013

Wes Giesbrecht
MI 84th Limited Partnership
15080 North Bluff Road
White Rock, B.C. V4B5C1

RE: Notice of Incompleteness for File No. SUB13-009 – Coval Long Subdivision
3051 84th Avenue SE, Mercer Island, WA 98040; King County Tax Parcel # 122404-9010

Dear Mr. Giesbrecht:

The City of Mercer Island received the above referenced application for an eighteen (18) lot long plat for the property located at 3051 84th Avenue SE (King County parcel # 122404-9010). The City has assigned file number SUB13-009 to the long plat application. Following review of the application, City staff has determined that additional information is necessary to ensure compliance with the Mercer Island City Code (MICC) and to continue processing the long plat application. Each division of the Development Services Group has provided comments detailed below. The following information is necessary to deem the application complete:

LAND USE

1. The proposed long plat has been assigned a file number: SUB13-009. Please revise the plat document to include this file number.
2. The slopes given for most of the proposed lots differ from those calculated by staff (see Attachment A). Pursuant to MICC 19.16.010(S), slope is defined as “a measurement of the average incline of a lot or other piece of land calculated by subtracting the lowest elevation from the highest elevation, and dividing the resulting number by the shortest horizontal distance between these two points.” Lot slope is calculated across the entire lot – not just the building pad. Please calculate lot slope in the manner described above and revise slope values accordingly.
3. The net lot areas for Lots 5 and 18 provided in the table on Sheet CV-01 of the plan set are different from those shown on the plat map. Please correct these discrepancies.
4. While it is required to show building pads for the preliminary plat, it is not necessary for planning review that proposed building footprints be shown.
5. Please distinguish more clearly between easement and building pad lines on the southern lots. It is difficult to identify the rear setback line.

6. For each proposed lot, a building pad must be identified for preliminary plat review. The building pad is the portion of a lot on which a building may be located based on standards set forth under MICC Title 19. The criteria for establishing a building pad are described in MICC 19.09.090 and apply specifically to new subdivisions. The building pad must be exclusive of all setbacks, rights-of way, and critical areas. The subject property appears to contain areas of all regulated geohazard areas within the Mercer Island City Code. However, per MICC 19.09.090(A)(2), building pads may be located within landslide hazard provided the following conditions are met:

(a) A qualified professional determines that the criteria of MICC 19.07.060(D), Site Development, are satisfied. MICC 19.07.060(D) requires the qualified professional to demonstrate:

- 1. Development Conditions. Alterations of geologic hazard areas may occur if the code official concludes that such alterations:*
 - a. Will not adversely impact other critical areas;*
 - b. Will not adversely impact (e.g., landslides, earth movement, increase surface water flows, etc.) the subject property or adjacent properties;*
 - c. Will mitigate impacts to the geologic hazard area consistent with best available science to the maximum extent reasonably possible such that the site is determined to be safe; and*
 - d. Include the landscaping of all disturbed areas outside of building footprints and installation of all impervious surfaces prior to final inspection.*
- 2. Statement of Risk. Alteration within geologic hazard areas may occur if the development conditions listed above are satisfied and the geotechnical professional provides a statement of risk with supporting documentation indicating that one of the following conditions can be met:*
 - a. The geologic hazard area will be modified, or the development has been designed so that the risk to the lot and adjacent property is eliminated or mitigated such that the site is determined to be safe;*
 - b. Construction practices are proposed for the alteration that would render the development as safe as if it were not located in a geologic hazard area;*
 - c. The alteration is so minor as not to pose a threat to the public health, safety and welfare; or*
 - d. An evaluation of site specific subsurface conditions demonstrates that the proposed development is not located in a geologic hazard area.*
- 3. Development Limitations. Within a landslide hazard area, the code official may restrict alterations to the minimum extent necessary for the construction and maintenance of structures and related access where such action is deemed necessary to mitigate the hazard associated with development.*
- 4. Seasonal Limitations. Land clearing, grading, filling, and foundation work within geologic hazard areas are not permitted between October 1 and April 1. The code official may grant a waiver to this seasonal development limitation if the applicant provides a geotechnical report of the site and the proposed construction activities that concludes erosion and sedimentation impacts can be effectively controlled on-site consistent with adopted storm water standards and the proposed construction work will not subject people or property, including areas off-site, to an increased risk of the hazard. As a condition of the waiver, the code official may require erosion control measures, restoration plans, and/or an indemnification/release agreement. Peer*

review of the geotechnical report may be required in accordance with subsection C of this section. If site activities result in erosion impacts or threaten water quality standards, the city may suspend further work on the site and/or require remedial action; and

(b) Building pads are sited to minimize impacts to the extent reasonably feasible; and

(c) Building pads are not located in steep slopes or within 10 feet from the top of a steep slope, unless such slopes, as determined by a qualified professional, consist of soil types determined not to be landslide prone.

Please submit to the City a revised geotechnical report that describes how the above requirements for siting building pads in landslide hazard areas are met.

7. Please provide the proposed lot coverage calculations for all proposed lots. The calculations should include areas of the lots paved for pedestrian walkways, any area on a lot part of a vehicular access easement (if applicable), and any portion of the lot containing part of the detention vault.
8. The plan set shows several bioretention areas that are located within building pads and potential building footprints.
9. The front setbacks shown on lots 1, 2, 9, and 14 do not appear to meet the requirements of MICC 19.02.020(C)(2)(a), which states that the front yard extends “the full width of the lot.” Attachment B indicates the location of the front setback for the specified lots. Please revise the plat to conform to the requirements of MICC 19.02.020(C)(2)(a).
10. MICC 19.02.020(F)(2) stipulates that “no structure shall be constructed on or over any easement for water, sewer, storm drainage, utilities, trail or other public purposes unless it is permitted within the language of the easement or is mutually agreed in writing between the grantee and grantor of the easement.” Please be advised that structures are not permitted to be constructed over the storm drain easements encumbering Lots 7, 8, 15, and 16 unless it is permitted by the language of the easement.
11. Pursuant to MICC 19.09.040(F)(1), driveways shall not “have a gradient of greater than 20 percent.” Additionally, MICC 19.09.040(F)(2) requires that driveways with a gradient exceeding 15 percent (but less than 20 percent) to have a surface of brushed concrete. These provisions appear to apply to the four westernmost lots.
12. The subject property contains an Accessory Dwelling Unit (ADU), as evidenced by the Affidavit in Support of Accessory Dwelling Unit recorded in King County under recording number 199509210511. A condition of the recorded affidavit is that the property owner will “notify King County Department of Records and Elections if the accessory dwelling unit is removed...” Prior to issuance of any site development permits, King County must be notified of the removal of the ADU.
13. Sheets C-1.0 and L-1.0 of the proposed plans show the proposed locations of retaining walls on site (Lots 7, 8, 10, 15, and 16). Retaining walls within required setbacks are regulated by MICC 19.02.050. MICC 19.02.050(4) and (5) state that retaining walls (or a combination thereof) within required yards used to protect a cut slope may extend to 144 inches which those retaining walls (or combination thereof) within a setback that protect a fill slope are limited to 72 inches. Furthermore, retaining walls that protect a cut slope within 20 feet of an improved street is limited to a maximum height of 42 inches. It appears the some

of the proposed retaining walls may not meet the above described height requirements. Please demonstrate how these requirements are met.

14. Washington Administrative Code (WAC) 332-130-050(1)(f)(iii) and (iv) require that all plats:
1) identify all corners used to control the survey; and 2) give the physical description of any monuments shown, found, established or reestablished, including type, size, and date visited. The topographic survey included within the plan set clearly shows all corners and monuments. However, this is not shown on the plat map. Please include this information on the plat map.

Questions regarding the above land use comments may be directed to Shana Crick, Planner, via email at shana.crick@mercergov.org or by phone at (206) 275-7732.

BUILDING

1. The geotechnical report by Terra Associates, dated July 29th, 2013, should include a more detailed analysis of the west slope with more information about the proposed cuts, the anticipated building loads on the slope, the potential impacts of water on the slope, and specifically address the following:
 - a. The slope stability analyses within the report do not appear to include an analysis of the impact of the new loading from the new structures. Although there is mention of cutting along the west side which might compensate for some of the new loading, this has not clarified within the analysis and the only detail depicts cuts up to 12 feet, which account for about 1500 p.s.f. but less than the 2 to 3 kips per foot anticipated for the bearing walls. The analysis should address the anticipated net new loading within the stability analyses.
 - b. The report recommends a minimum foundation embedment such that the outside edge of the foundation is a minimum of 15 feet from the face of the slope (which seems appropriate). Based on the topographic information shown in Figure 3, this would require an approximate 9 foot foundation embedment. The report should include more discussion on how this embedment will be accomplished (as this might require substantial excavations within the building footprint).
 - c. Per the report more study is required in regard to infiltration on the west side and this study should be included at this time (as it potentially could introduce water into the stability analyses, possible ponding water on the siltier layers within the slope, etc.).
2. The report recommends placing drainage mat at the base of the ravine before filling it in. Please specify anticipated flows with an analysis that substantiates the adequacy of the drainage mat (vs. culvert, etc.).

Questions regarding the above building comments may be directed to Don Cole, Building Official, via email at don.cole@mercergov.org or by phone at (206) 275-7701.

ENGINEERING

1. The proposed public pedestrian access easement shall be paved up to the south property limit. The south west portion of the pedestrian access easement may remain unpaved. Stairs may be necessary within the paved area based on the grades. The easement width

for the paved area shall be 7 feet wide with 5 feet of pavement and 1 foot on each side of the pavement. The easement width for the unpaved portion shall be 10 feet.

2. Clearly distinguish all public easements from the private easements. The private utility easement and public easement shall not be combined. The public utility easement shall be exclusive easement.
3. The public water main easement and public sewer main easement can either be two separate easements or one shared easement. If you choose to establish two separate easements, each easement must be at least 15 feet wide centered on the main and no other utilities (private or public) is allowed within the easement. If you choose to establish one shared easement, the shared easement must be at least 25 feet wide with 15 feet separation between the sewer main and water main, 5 feet on each side of the sewer main/water main.
4. Looping an 8 inch ductile iron water pipe water main through the Long Plat between the City water main on 84th Ave. SE and SE 32nd Street, in a manner that minimizes the use of bends, avoids trees, crosses utilities at 90 degree angles, and allows long term access to the main.
5. The detention system needs to be completed out of the public utility easements.
6. The additional geotechnical study will be required to determine the feasibility of the infiltration/bioretention systems for Lots 9-14, Lot 1-2 and Lots 17-18. Currently, only one soil log is done at the south west corner of Lot 1. You will need to have a minimum of one soils log for every 50 feet of the trench length per lot.
7. A full street width of grind and overlay on 84th Ave. SE along the frontage of the property is required.

Questions regarding the above engineering comments may be directed to Ruji Ding, Senior Development Engineer, via email at ruji.ding@mercergov.org or by phone at (206) 275-7703.

FIRE

1. Revise the road on the plat to meet the minimum width of 26 feet.
2. The legs of the Y turnaround shall be a minimum length of 60 feet each.
3. Two fire hydrants shall be installed.

Questions regarding the above fire safety comments may be directed to Herschel Rostov, Fire Official, via email at herschel.rostov@mercergov.org or by phone at (206) 275-7607.

TREES

1. Submitted materials for your plat and building permit applications must show tree protection at the drip lines along with the proposed location of all utilities on the site plan and civil drawings. Per the City Tree Ordinance, MICC 19.10.040(B), *reasonable best efforts* must be taken to avoid taking a protected tree during development of the lot. Please contact the City Arborist as early as possible during the initial site design phase for questions regarding trees and construction. Please read the attached "Protecting Trees during Construction."

2. Clearly mark trees proposed to be cut. Also indicate the total number of trees to be removed.
3. I would like to see at least two different International Society of Arboriculture Arborist reports produced. Specifically either a Board Certified Master Arborist (the most qualified Arborist) or an ISA Tree Risk Assessment Qualified (TRAQ) Arborist submit reports on this site. This will ensure that only healthy trees that will be able to withstand construction stresses will be retained.
4. I am requesting an Arborist's report on **all trees** besides the following:
 - The report does not have to include the younger, under 14 inch diameter saved trees on the west side of the property.
 - More time should be given to the evaluation and mitigation protection of the 50 inch and 52 inch diameter Douglas firs on site. Less invasive techniques like boring instead of trenching for utilities shall be used near the east side 50 inch fir.
 - Any way of increasing the tree protection around the 52 inch fir at the west side of the site would help retain it. As of now the road is only 16.5 feet from the trunk. Ideally, no compaction would occur in a 50 foot radius of the trunk.
 - Pervious pavement could be used in places to increase water uptake for trees.
 - Do not show or evaluate any conifer trees under 6 feet tall or and deciduous tree less than 6 inches in diameter.
 - Cottonwood trees and Alders do not have to be assessed.

Questions regarding the above tree comments may be directed to John Kenney, City Arborist, via email at john.kenney@mercergov.org or by phone at (206) 275-7713.

Pursuant to Mercer Island City Code 19.15.020(C)(4), if the applicant fails to provide the required information within 90 days from the date of this notice of incomplete application, the application shall lapse, and become null and void. Questions particular to the provided comments may be directed to the above specified reviewers or to me by phone at 206-275-7732 or via e-mail at shana.crick@mercergov.org.

Sincerely,



Shana Crick, Planner
City of Mercer Island Development Services Group

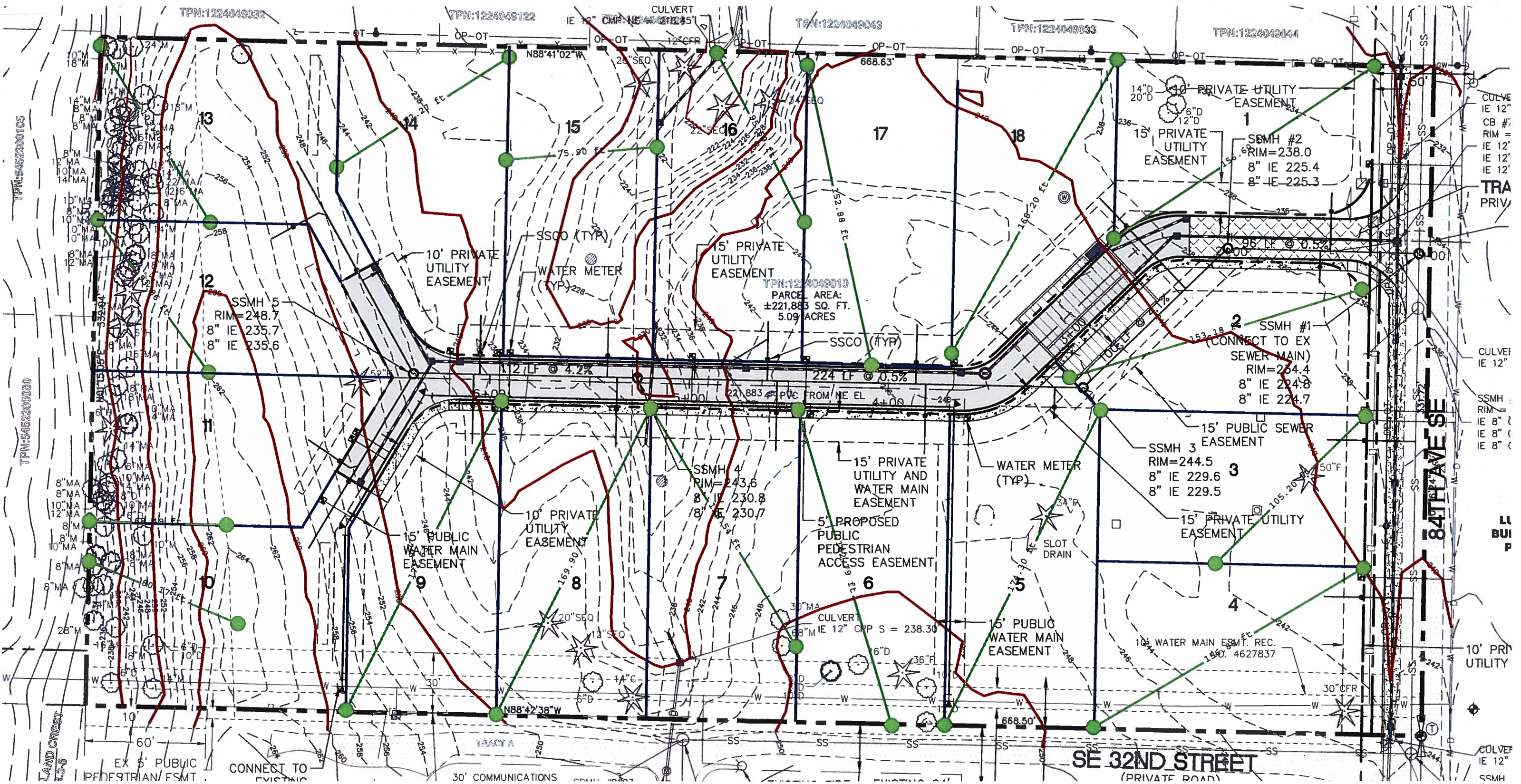
Enclosures: Attachment A – Lot Slope Calculations
Attachment B – Front Setback Determination

Cc: Scott Borgeson, P.E.
Rod Voth

ATTACHMENT A

Lot	CITY					Slope
	High Pt	Low Pt	Difference	Distance		
1	239	232	7	156.6	4.469987	
2	244	236	8	153.18	5.222614	
3	242	238	4	105.2	3.802281	
4	248	240	8	156.86	5.100089	
5	250	244	6	174.3	3.442341	
6	250	246	4	162.79	2.457153	
7	250	231	19	138.54	13.71445	
8	250	231	19	169.9	11.18305	
9	258	238	20	171.63	11.65297	
10	264	232	32	80.17	39.91518	
11	263.5	232	31.5	68.49	45.99212	
12	261.5	234	27.5	93.86	29.29896	
13	257.5	230	27.5	103.98	26.44739	
14	246	235.5	10.5	102.27	10.26694	
15	238	222	16	75.9	21.08037	
16	244	218	26	95.69	27.17107	
17	246	236	10	152.88	6.541078	
18	245	235	10	168.2	5.945303	

Lot	APPLICANT					Slope
	High Pt	Low Pt	Difference	Distance		
1	242	232	10	146.72	6.815703	
2	244	236	8	141.11	5.669336	
3	242	238	4	117.77	3.396451	
4	246	242	4	120.17	3.328618	
5	250	243	7	47.67	14.68429	
6	250	246	4	91.37	4.377	
7	250	237.38	12.62	96.94	13.01836	
8	248.87	237.17	11.7	78.03	14.99423	
9	256	249	7	75.01	9.332089	
10	264	251.5	12.5	112.5	11.11111	
11	254	249.18	4.82	35.82	13.45617	
12	254	249.18	4.82	35.82	13.45617	
13	252	242	10	66.8	14.97006	
14	250	235.5	14.5	98.11	14.77933	
15	246	232	14	138.12	10.13611	
16	244.5	231.54	12.96	123.26	10.51436	
17	244.5	238	6.5	70	9.285714	
18	244	240	4	93	4.301075	



TPN:1224049012

TPN:1224049122

TPN:1224049043

TPN:1224049033

TPN:1224049044

TPN:5472300105

TPN:545300020

LAND CREST

84TH AVENUE SE

SE 32ND STREET
(PRIVATE ROAD)

TPN:1224049010
PARCEL AREA:
±221,883 SQ. FT.
5.09 ACRES

SSMH #2
RIM=238.0
8" IE 225.4
8" IE 225.3

SSMH #1
(CONNECT TO EX
SEWER MAIN)
RIM=234.4
8" IE 224.8
8" IE 224.7

SSMH 3
RIM=244.5
8" IE 229.6
8" IE 229.5

SSMH 4
RIM=243.6
8" IE 230.8
8" IE 230.7

SSMH 5
RIM=248.7
8" IE 235.7
8" IE 235.6

CULVERT
IE 12"
CB #7
RIM =
IE 12'
IE 12'
IE 12'
TRA
PRIV

CULVERT
IE 12"
SSMH
RIM =
IE 8"
IE 8"
IE 8"

LI
BUI
P

10' PRI
UTILITY

CULVERT
IE 12"
SSMH

[illegible]

—8' GRAVEL
SHOULDER

INTERSE
1+00.0
ACCESS
= CENT

— **TRAC**
PRIVATE
AND U
14,743

**LUTHER
BURBANK
PARK**

— 30' R.C.
DEDICA

10' PRIVATE UTILITY
FOUND 1/8" BRASS
CONC. MON CAS
84TH AVE SE.
TBM 'A'
EL=242.54'

TBM 'A'
EL. 242.54'

SE 32ND STREET
(PRIVATE ROAD)

— EXISTING 24'
PRIVATE ROAD

— 30' COMMUNICATIONS
EASEMENT REC. NO. 3758636

-EX 5' PUBLIC PEDESTRIAN
WALKWAY EASEMENT

AT ISLAND CREST
01/PG.2-8

PROPOSED
BUILDING
SETBACK
LINE (TYP)

TPN:545230475

303

P.E.

URB
K

October 7, 2013

Shana Crick
City of City of Mercer Island Development Services Group
9611 SE 36th Street
Mercer Island, WA 98040

Subject: Coval Long Plat Review Comments; Preliminary Plat (122404-9010)

Dear Shana,

We have prepared this letter in order to provide formal responses to your comments regarding the Coval long plat application dated August 30, 2013.

We have included each of your comments below followed by our response in ***bold italics***.

LAND USE

1. The proposed long plat has been assigned a file number: SUB13-009. Please revise the plat document to include this file number.

The file number has been added to the Plat Map.

2. The slopes given for most of the proposed lots differ from those calculated by staff (see Attachment A). Pursuant to MICC 19.16.010(S), slope is defined as "a measurement of the average incline of a lot or other piece of land calculated by subtracting the lowest elevation from the highest elevation, and dividing the resulting number by the shortest horizontal distance between these two points." Lot slope is calculated across the entire lot – not just the building pad. Please calculate lot slope in the manner described above and revise slope values accordingly.

The lot slopes have been recalculated assuming the entire lot rather than the building pad only. The slopes have been added to the Plat Map as requested.

3. The net lot areas for Lots 5 and 18 provided in the table on Sheet CV-01 of the plan set are different from those shown on the plat map. Please correct these discrepancies.

The net lot areas have been corrected on Sheet CV-01.

4. While it is required to show building pads for the preliminary plat, it is not necessary for planning review that proposed building footprints be shown.

The building pads are shown on the Plat Map and the building footprints have been removed from the plan as requested.

5. Please distinguish more clearly between easement and building pad lines on the southern lots. It is difficult to identify the rear setback line.

The easement and setback lines have been adjusted to more clearly show the setback lines. The legend in the lower right corner of sheet CV-01 shows the key line types used for this plat.

6. For each proposed lot, a building pad must be identified for preliminary plat review. The building pad is the portion of a lot on which a building may be located based on standards set forth under MICC Title 19. The criteria for establishing a building pad are described in MICC 19.09.090 and apply specifically to new subdivisions. The building pad must be exclusive of all setbacks, rights-of way, and critical areas. The subject property appears to contain areas of all regulated geohazard areas within the Mercer Island City Code. However, per MICC 19.09.090(A)(2), building pads may be located within landslide hazard provided the following conditions are met:

(a) A qualified professional determines that the criteria of MICC 19.07.060(D), Site Development, are satisfied. MICC 19.07.060(D) requires the qualified professional to demonstrate:

- 1. Development Conditions. Alterations of geologic hazard areas may occur if the code official concludes that such alterations:*
 - a. Will not adversely impact other critical areas;*
 - b. Will not adversely impact (e.g., landslides, earth movement, increase surface water flows, etc.) the subject property or adjacent properties;*
 - c. Will mitigate impacts to the geologic hazard area consistent with best available science to the maximum extent reasonably possible such that the site is determined to be safe; and*
 - d. Include the landscaping of all disturbed areas outside of building footprints and installation of all impervious surfaces prior to final inspection.*
- 2. Statement of Risk. Alteration within geologic hazard areas may occur if the development conditions listed above are satisfied and the geotechnical professional provides a statement of risk with supporting documentation indicating that one of the following conditions can be met:*
 - a. The geologic hazard area will be modified, or the development has been designed so that the risk to the lot and adjacent property is eliminated or mitigated such that the site is determined to be safe;*
 - b. Construction practices are proposed for the alteration that would render the development as safe as if it were not located in a geologic hazard area;*
 - c. The alteration is so minor as not to pose a threat to the public health, safety and welfare; or*

- d. An evaluation of site specific subsurface conditions demonstrates that the proposed development is not located in a geologic hazard area.*
- 3. Development Limitations. Within a landslide hazard area, the code official may restrict alterations to the minimum extent necessary for the construction and maintenance of structures and related access where such action is deemed necessary to mitigate the hazard associated with development.*
- 4. Seasonal Limitations. Land clearing, grading, filling, and foundation work within geologic hazard areas are not permitted between October 1 and April 1. The code official may grant a waiver to this seasonal development limitation if the applicant provides a geotechnical report of the site and the proposed construction activities that concludes erosion and sedimentation impacts can be effectively controlled on-site consistent with adopted storm water standards and the proposed construction work will not subject people or property, including areas off-site, to an increased risk of the hazard. As a condition of the waiver, the code official may require erosion control measures, restoration plans, and/or an indemnification/release agreement. Peer review of the geotechnical report may be required in accordance with subsection C of this section. If site activities result in erosion impacts or threaten water quality standards, the city may suspend further work on the site and/or require remedial action; and*
 - (b) Building pads are sited to minimize impacts to the extent reasonably feasible; and*
 - (c) Building pads are not located in steep slopes or within 10 feet from the top of a steep slope, unless such slopes, as determined by a qualified professional, consist of soil types determined not to be landslide prone.*

Please submit to the City a revised geotechnical report that describes how the above requirements for siting building pads in landslide hazard areas are met.

The geotechnical report has been revised to address the requirements above. The revised report is included with this re-submittal.

- 7. Please provide the proposed lot coverage calculations for all proposed lots. The calculations should include areas of the lots paved for pedestrian walkways, any area on a lot part of a vehicular access easement (if applicable), and any portion of the lot containing part of the detention vault.*

The proposed lot coverage calculations have been added to the Preliminary Plat Map. The calculations include paved pedestrian walkways and portions of lots containing the detention vault.

8. The plan set shows several bioretention areas that are located within building pads and potential building footprints.

The bioretention areas have been replaced with infiltration trenches. All proposed infiltration trenches are located outside of the proposed building pads, as shown on sheet C-1.0.

9. The front setbacks shown on lots 1, 2, 9, and 14 do not appear to meet the requirements of MICC 19.02.020(C)(2)(a), which states that the front yard extends "the full width of the lot." Attachment B indicates the location of the front setback for the specified lots. Please revise the plat to conform to the requirements of MICC 19.02.020(C)(2)(a).

The front setbacks have been revised to extend the full width of the lot per MICC 19.02.020(C)(2)(a) and as shown on Attachment B. Additionally, the BSBL line types.

10. MICC 19.02.020(F)(2) stipulates that "no structure shall be constructed on or over any easement for water, sewer, storm drainage, utilities, trail or other public purposes unless it is permitted within the language of the easement or is mutually agreed in writing between the grantee and grantor of the easement." Please be advised that structures are not permitted to be constructed over the storm drain easements encumbering Lots 7, 8, 15, and 16 unless it is permitted by the language of the easement.

The building pad setbacks have been revised such that they do not encroach on any proposed easement for water, sewer, storm drainage, utilities, trail or other purposes.

11. Pursuant to MICC 19.09.040(F)(1), driveways shall not "have a gradient of greater than 20 percent." Additionally, MICC 19.09.040(F)(2) requires that driveways with a gradient exceeding 15 percent (but less than 20 percent) to have a surface of brushed concrete. These provisions appear to apply to the four westernmost lots.

The grading has been revised such that the driveways for all lots have a slope less than 15 percent.

12. The subject property contains an Accessory Dwelling Unit (ADU), as evidenced by the Affidavit in Support of Accessory Dwelling Unit recorded in King County under recording number 199509210511. A condition of the recorded affidavit is that the property owner will "notify King County Department of Records and Elections if the accessory dwelling unit is removed..." Prior to issuance of any site development permits, King County must be notified of the removal of the ADU.

Acknowledged.

13. Sheets C-1.0 and L-1.0 of the proposed plans show the proposed locations of retaining walls on site (Lots 7, 8, 10, 15, and 16). Retaining walls within required setbacks are regulated by MICC 19.02.050. MICC 19.02.050(4) and (5) state that retaining walls (or a combination thereof) within required yards used to protect a cut slope may extend to 144 inches which those retaining walls (or combination thereof) within a setback that protect a fill slope are limited to 72 inches. Furthermore, retaining walls that protect a cut slope within 20 feet of an improved street is limited to a maximum height of 42 inches. It appears the some of the proposed retaining walls may not meet the above described height requirements. Please demonstrate how these requirements are met.

The proposed road profile has been revised, allowing the walls on Lots 7 and 8 to be removed. Lots 15 and 16 are proposed to have a tiered section of two 72-inch high walls (outside of the setback). No wall over 42-inches is proposed within 20-feet of an improved street.

14. Washington Administrative Code (WAC) 332-130-050(1)(f)(iii) and (iv) require that all plats: 1) identify all corners used to control the survey; and 2) give the physical description of any monuments shown, found, established or reestablished, including type, size, and date visited. The topographic survey included within the plan set clearly shows all corners and monuments. However, this is not shown on the plat map. Please include this information on the plat map.

The corners used to control the survey and the physical descriptions of the monuments have been added to the Preliminary Plat Map.

BUILDING

1. The geotechnical report by Terra Associates, dated July 29th, 2013, should include a more detailed analysis of the west slope with more information about the proposed cuts, the anticipated building loads on the slope, the potential impacts of water on the slope, and specifically address the following:
 - a. The slope stability analyses within the report do not appear to include an analysis of the impact of the new loading from the new structures. Although there is mention of cutting along the west side which might compensate for some of the new loading, this has not clarified within the analysis and the only detail depicts cuts up to 12 feet, which account for about 1500 p.s.f. but less than the 2 to 3 kips per foot anticipated for the bearing walls. The analysis should address the anticipated net new loading within the stability analyses.
 - b. The report recommends a minimum foundation embedment such that the outside edge of the foundation is a minimum of 15 feet from the face of the slope (which seems appropriate). Based on the topographic information shown in Figure 3, this would require an approximate 9 foot foundation embedment. The report should include more discussion on how this embedment will be accomplished (as this might require substantial excavations within the building footprint).

- c. Per the report more study is required in regard to infiltration on the west side and this study should be included at this time (as it potentially could introduce water into the stability analyses, possible ponding water on the siltier layers within the slope, etc.).
2. The report recommends placing drainage mat at the base of the ravine before filling it in. Please specify anticipated flows with an analysis that substantiates the adequacy of the drainage mat (vs. culvert, etc.).

The geotechnical report has been revised to address the requirements above. The revised report is included with this re-submittal.

ENGINEERING

1. The proposed public pedestrian access easement shall be paved up to the south property limit. The south west portion of the pedestrian access easement may remain unpaved. Stairs may be necessary within the paved area based on the grades. The easement width for the paved area shall be 7 feet wide with 5 feet of pavement and 1 foot on each side of the pavement. The easement width for the unpaved portion shall be 10 feet.

The proposed public pedestrian access easement is paved along the right-of-way and the portion of the walkway beyond the right-of-way is proposed to be gravel. A gravel path is preferred by the project developers since it is more natural and is consistent with the trails commonly found throughout Mercer Island.

The pedestrian access easement along the paved and gravel portions of the walkway has been increased to 7 feet. Along the southern property line, a 5-foot public pedestrian access easement is proposed. When combined with the existing pedestrian access easement on the property to the south, the minimum total pedestrian access easement width is 10 feet.

2. Clearly distinguish all public easements from the private easements. The private utility easement and public easement shall not be combined. The public utility easement shall be exclusive easement.

All easements (public and private) have been clearly labeled. No private utilities encroach on the public water and sewer main easement.

3. The public water main easement and public sewer main easement can either be two separate easements or one shared easement. If you choose to establish two separate easements, each easement must be at least 15 feet wide centered on the main and no other utilities (private or public) is allowed within the easement. If you choose to establish one shared easement, the shared easement must be at least 25 feet wide with 15 feet separation between the sewer main and water main, 5 feet on each side of the sewer main/water main.

The proposed public utilities are in a 25-foot combined public water and sewer main easement with a 15 foot separation between water and sewer.

4. Looping an 8 inch ductile iron water pipe water main through the Long Plat between the City water main on 84th Ave. SE and SE 32nd Street, in a manner that minimizes the use of bends, avoids trees, crosses utilities at 90 degree angles, and allows long term access to the main.

The proposed water main has been revised to loop from the existing main in SE 32nd Street to the existing main in 84th Avenue SE.

5. The detention system needs to be completed out of the public utility easements.

The detention system has been relocated south of the private access road. No portion of the proposed detention vault is within the public utility easement.

6. The additional geotechnical study will be required to determine the feasibility of the infiltration/bioretention systems for Lots 9-14, Lot 1-2 and Lots 17-18. Currently, only one soil log is done at the south west corner of Lot 1. You will need to have a minimum of one soils log for every 50 feet of the trench length per lot.

Please see the revised geotechnical report for analysis of the infiltration systems. The proposed design now includes infiltration only on Lots 1, 2, 10, 11 and 12.

7. A full street width of grind and overlay on 84th Ave. SE along the frontage of the property is required.

An 8-foot gravel shoulder is proposed along the property frontage on 84th Avenue SE. The full street width grind and overlay is not shown at this time as the applicant would like to discuss this request further with the City. The condition of the existing pavement appears to be good and an overlay does not seem warranted.

FIRE

1. Revise the road on the plat to meet the minimum width of 26 feet.

The private access road alignment has been revised and the total length is now less than 500 feet, which requires a minimum width of 20 feet. The plans propose a 20-foot wide road.

2. The legs of the Y turnaround shall be a minimum length of 60 feet each.

The legs of the Y turnaround have been revised to be 60 feet in length.

3. Two fire hydrants shall be installed.

There is an existing fire hydrant on 84th Avenue SE near the NE property corner and one new fire hydrant is proposed near Lots 14 and 15. These two hydrants will provide adequate coverage for all of the proposed lots. Please see the enclosed Fire Hydrant Exhibit that further documents this.

TREES

1. Submitted materials for your plat and building permit applications must show tree protection at the drip lines along with the proposed location of all utilities on the site plan and civil drawings. Per the City Tree Ordinance, MICC 19.10.040(B), *reasonable best efforts* must be taken to avoid taking a protected tree during development of the lot. Please contact the City Arborist as early as possible during the initial site design phase for questions regarding trees and construction. Please read the attached "Protecting Trees during Construction."

Tree protection and proposed utility locations are shown on Sheet L-1.0 Tree Inventory/Retention Plan.

2. Clearly mark trees proposed to be cut. Also indicate the total number of trees to be removed.

The locations of trees to be removed are shown Sheet L-1.0 Tree Inventory/Retention Plan.

3. I would like to see at least two different International Society of Arboriculture Arborist reports produced. Specifically either a Board Certified Master Arborist (the most qualified Arborist) or an ISA Tree Risk Assessment Qualified (TRAQ) Arborist submit reports on this site. This will ensure that only healthy trees that will be able to withstand construction stresses will be retained.

Please see the response to comment #4 below. The applicant feels that the report provided to the City sufficiently addresses the City's requests and code requirements.

4. I am requesting an Arborist's report on all trees besides the following:
 - The report does not have to include the younger, under 14 inch diameter saved trees on the west side of the property.
 - More time should be given to the evaluation and mitigation protection of the 50 inch and 52 inch diameter Douglas firs on site. Less invasive techniques like boring instead of trenching for utilities shall be used near the east side 50 inch fir.
 - Any way of increasing the tree protection around the 52 inch fir at the west side of the site would help retain it. As of now the road is only 16.5 feet from the trunk. Ideally, no compaction would occur in a 50 foot radius of the trunk.

- Pervious pavement could be used in places to increase water uptake for trees.
- Do not show or evaluate any conifer trees under 6 feet tall or and deciduous tree less than 6 inches in diameter.
- Cottonwood trees and Alders do not have to be assessed.

A report prepared by the Project Arborist, Favero Greenforest, has been submitted to the city for review and is also included with this letter. Mr. Greenforest is qualified as an ASCA Registered Consulting Arborist, is a Certified Arborist and PNW is a Certified Tree Risk Assessor. His report addresses the comments above.

We hope that you will agree that the revised Preliminary Plat Plans adequately address each of your review comments. If you should have any questions during your review, please do not hesitate to contact me at sborgeson@pacland.com or at (425) 453-9501x1528.

Sincerely,



Scott Borgeson, P.E.
Project Manager

Enclosures

SRB:akp



CITY OF MERCER ISLAND

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(206) 275-7605 • FAX (206) 275-7726
www.mercergov.org

October 22, 2013

Wes Giesbrecht
MI 84th Limited Partnership
15080 North Bluff Road
White Rock, B.C. V4B5C1

RE: Notice of Incompleteness for File No. SUB13-009 – Coval Long Subdivision
3051 84th Avenue SE, Mercer Island, WA 98040; King County Tax Parcel # 122404-9010

Dear Mr. Giesbrecht:

The City of Mercer Island received revisions to the above referenced application for an eighteen (18) lot long plat for the property located at 3051 84th Avenue SE (King County parcel # 122404-9010). Following review of the requested revisions, planning staff has determined that additional information is necessary to ensure compliance with the Mercer Island City Code (MICC) and to continue processing the long plat application. The following information is necessary to deem the application complete:

1. Pursuant to MICC 19.08.020(D)(2) and MICC 19.09.090(A)(3), "no cross-section of a building pad shall be less than 20 feet in width." The building pads located on proposed lots 9 and 16 have portions that are less than 20 feet in width. Please remove these areas from the proposed building pads. The specific areas are noted on Attachment A.
2. MICC 19.09.090(A)(1) requires that the applicant consider vegetation when locating building pads. Additionally, the application form specifies that the applicant shall provide a tree preservation plan that includes the "location(s) and dimensions of property lines, rights-of-ways, utility lines, and easements." Please revise the provided tree inventory/retention plan (Sheet L-1.0) to show all existing and proposed easements and to more clearly show all existing and proposed utility lines.
3. As described in the August 30, 2013 Notice of Incompleteness, a building pad must be identified for preliminary plat review for each proposed lot. The building pad is the portion of a lot on which a building may be located based on standards set forth under MICC Title 19. The criteria for establishing a building pad are described in MICC 19.09.090 and apply specifically to new subdivisions. The building pad must be exclusive of all setbacks, rights-of-way, and critical areas. The subject property appears to contain areas of all regulated geohazard areas within the Mercer Island City Code. However, per MICC 19.09.090(A)(2),

building pads may be located within landslide hazard provided the following conditions are met:

(a) *A qualified professional determines that the criteria of MICC 19.07.060(D), Site Development, are satisfied. MICC 19.07.060(D) requires the qualified professional to demonstrate:*

- 1. Development Conditions. Alterations of geologic hazard areas may occur if the code official concludes that such alterations:
 - a. Will not adversely impact other critical areas;*
 - b. Will not adversely impact (e.g., landslides, earth movement, increase surface water flows, etc.) the subject property or adjacent properties;*
 - c. Will mitigate impacts to the geologic hazard area consistent with best available science to the maximum extent reasonably possible such that the site is determined to be safe; and*
 - d. Include the landscaping of all disturbed areas outside of building footprints and installation of all impervious surfaces prior to final inspection.**
- 2. Statement of Risk. Alteration within geologic hazard areas may occur if the development conditions listed above are satisfied and the geotechnical professional provides a statement of risk with supporting documentation indicating that one of the following conditions can be met:
 - a. The geologic hazard area will be modified, or the development has been designed so that the risk to the lot and adjacent property is eliminated or mitigated such that the site is determined to be safe;*
 - b. Construction practices are proposed for the alteration that would render the development as safe as if it were not located in a geologic hazard area;*
 - c. The alteration is so minor as not to pose a threat to the public health, safety and welfare; or*
 - d. An evaluation of site specific subsurface conditions demonstrates that the proposed development is not located in a geologic hazard area.**
- 3. Development Limitations. Within a landslide hazard area, the code official may restrict alterations to the minimum extent necessary for the construction and maintenance of structures and related access where such action is deemed necessary to mitigate the hazard associated with development.*
- 4. Seasonal Limitations. Land clearing, grading, filling, and foundation work within geologic hazard areas are not permitted between October 1 and April 1. The code official may grant a waiver to this seasonal development limitation if the applicant provides a geotechnical report of the site and the proposed construction activities that concludes erosion and sedimentation impacts can be effectively controlled on-site consistent with adopted storm water standards and the proposed construction work will not subject people or property, including areas off-site, to an increased risk of the hazard. As a condition of the waiver, the code official may require erosion control measures, restoration plans, and/or an indemnification/release agreement. Peer review of the geotechnical report may be required in accordance with subsection C of this section. If site activities result in erosion impacts or threaten water quality standards, the city may suspend further work on the site and/or require remedial action; and*

(b) *Building pads are sited to minimize impacts to the extent reasonably feasible; and*

(c) Building pads are not located in steep slopes or within 10 feet from the top of a steep slope, unless such slopes, as determined by a qualified professional, consist of soil types determined not to be landslide prone.

On October 8, 2013, the applicant submitted to the City a revised geotechnical report. The original geotechnical report dated July 29, 2013 established the presence of erosion and landslide hazard areas on the subject property. Certain areas of the site meet the definition of a "steep slope." According to both geotechnical reports, it appears that the site does not contain any seismic hazard areas.

Neither geotechnical report provided a "Statement of Risk," which is required by MICC 19.07.060(D)(2). The Statement of Risk must affirm that one of the four criteria in MICC 19.07.060(D)(2)(a-d) is being met. The geotechnical engineer must use the code language within the Statement of Risk. Please submit a statement of risk from the geotechnical engineer.

4. MICC 19.09.090 states that "building pads are not located in steep slopes or within 10 feet from the top of a steep slope, unless such slopes, as determined by a qualified professional, consist of soil types determined not to be landslide prone." Both geotechnical reports indicate the presence of landslide hazard areas on site. MICC 19.16.010(L) defines "landslide hazard areas" as "those areas subject to landslides based on a combination of geologic, topographic, and hydrologic factors, including:

- 1. Areas of historic failures;*
- 2. Areas with all three of the following characteristics:*
 - a. Slopes steeper than 15 percent; and*
 - b. Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and*
 - c. Springs or ground water seepage;*
- 3. Areas that have shown evidence of past movement or that are underlain or covered by mass wastage debris from past movements;*
- 4. Areas potentially unstable because of rapid stream incision and stream bank erosion; or*
- 5. Steep Slope. Any slope of 40 percent or greater calculated by measuring the vertical rise over any 30-foot horizontal run.*

Using the City's definition provided above, please provide a revised geotechnical report that demonstrates how the soils on site are not landslide prone.

5. The front setback shown on lot 14 does not appear to meet the requirements of MICC 19.02.020(C)(2)(a), which states that the front yard extends "the full width of the lot." Attachment A indicates the location of the front setback for the specified lot. Please revise the plat to conform to the requirements of MICC 19.02.020(C)(2)(a).
6. The State Environmental Policy Act checklist is enclosed as Attachment B. Please revise the checklist to clarify the areas indicated. Additionally, the checklist is not complete. Please respond to question 14(f).
7. The proposed plat indicates that a 30 foot wide communications easement recorded under number 3758636 will be abandoned. The applicant must show that the grantee no longer needs the easement and is amenable to extinguishing the easement.

The corrections delineated below are not required to deem the application complete. However, they are necessary for approval of the application.

1. MICC 19.02.020(A)(2) states that." any part of such lot which is part of a street" shall be excluded from lot area when "determining whether a lot complies with the lot area requirements." Note 2 on Sheet CV-01 indicates that the net lot areas provided on the plat and in the table included on Sheet CV-01 have been calculated by subtracting the area of pedestrian access easements from the gross lot area. Exclusion of the area of an easement is not required unless the easement is used for vehicular access. While the pedestrian easements must be included within the impervious surface calculations (as they have been in these revisions), they do not need to be excluded from the lot area. Therefore, it appears that the gross lot area is the same as the net lot area for each proposed lot.
2. Additional revisions are shown on Attachment A. Please submit a revised plan that addresses the required revisions.

Additional corrections from other City reviewers will be sent separately from those required in this letter by planning staff. Pursuant to Mercer Island City Code 19.15.020(C)(4), if the applicant fails to provide the required information within 90 days from the date of this notice of incomplete application, the application shall lapse, and become null and void. Please feel free to contact me with any questions. I can be reached via e-mail at shana.crick@mercergov.org or by phone at 206-275-7732.

Sincerely,



Shana Crick, Planner
City of Mercer Island Development Services Group

Enclosures: Attachment A – Coval Plat (Sheets CV-01, C-1.0, and L-1.0)
Attachment B – SEPA Checklist

Cc: Scott Borgeson, P.E.

Shana Crick

From: Patrick Yamashita
Sent: Wednesday, October 23, 2013 1:38 PM
To: 'Scott Borgeson'
Cc: Shana Crick; 'atlin@qwestoffice.net'; 'rvoth@rykon.com'
Subject: RE: Coval Property - SUB13-009

Scott,

You only included the plans but not the letter (but I get the gist of your question). I don't have a specific concern. The right of way dedication just needs to be part of the final plat and reflected on the plat document.

Patrick

From: Scott Borgeson [<mailto:sborgeson@pacland.com>]
Sent: Wednesday, October 23, 2013 12:04 PM
To: Patrick Yamashita
Cc: Shana Crick; atlin@qwestoffice.net; rvoth@rykon.com
Subject: Coval Property - SUB13-009

Patrick,

In the attached comment letter and plan mark-ups that we received from Shana Crick yesterday, the following comment is shown in reference to the 30' of proposed right-of-way dedication along 84th Avenue SE: "Dedications for public right-of-way are required to meet the standards in MICC 19.09.030. Please contact Patrick Yamashita, City Engineer, for further information." As requested, I am contacting you for further information.

Please let us know what your concerns are. Please also let us know whether and why those concerns are preventing the City of Mercer Island from determining that the submitted Long Plat Application is "complete".

I have included the section of the MICC that is referenced in the comment above so that you could consider highlighting the portion of the code that is of concern.

19.09.030 Public and private streets.

A. Standards Adopted by Reference. Residential access streets (local access streets), curbs, gutters, sidewalks and drainage and utility facilities in the public right-of-way shall be constructed in accordance with "City and County Design Standards for Low Volume Roads and Streets, Adopted February 10, 1994, per RCW 35.78.030 and RCW 43.32.020" which was enacted by Ordinance 98C-07, and which is on file in the city clerk's office, and by this reference made a part of this section as if fully set forth, and the plans and profiles for any such construction shall be submitted to and approved by the city engineer prior to the commencement of any grading, excavation or other phase of such construction.

B. Acceptance of Improvements. Upon certification by the city engineer that the construction has been completed in compliance with the provisions of this section and to his or her satisfaction, the city council may formally accept the improvements for maintenance by the city.

C. Construction Specifications. Residential access streets (local access streets) shall be constructed of six-inch cement concrete pavement or two-inch asphaltic concrete with cement concrete curbs and gutters, rolled cement concrete curbs or thickened asphaltic concrete edges, and shall be a minimum of 16 feet in width with minimum one-

foot-wide gravel shoulders, measured from the outside edges of thickened asphaltic concrete edges or of rolled cement concrete curbs and from the inside faces of cement concrete curbs. Cement concrete curbs and thickened asphaltic concrete edges may be eliminated in conjunction with the use of low impact development storm water management techniques. Porous pavement and/or pavers may be considered acceptable pavement alternatives when approved by the city engineer. All construction materials and workmanship shall be in accordance with the Washington State Department of Transportation and American Public Works Association current “Standard Specifications for Road, Bridge, and Municipal Construction” as amended by the city engineer for city of Mercer Island public works projects, and shall be subject to inspection and approval by the city engineer.

D. Rights-of-Way Widths.

1. Arterials. Arterial streets, as designated in the 1976 arterial and circulation plan, shall have rights-of-way widths as follows:

Street Designation	Right-of-Way (ft.)
Major Arterial	60 – 100
Secondary Arterial	60 – 90
Collector Arterial	50 – 66

2. Local Access Streets. Local access streets shall have rights-of-way of the following widths, based on the type of street and on the number of potential lots or dwelling units that the street will serve.

a. Dead-End Streets.

Number of Lots or Dwelling Units	Right-of-Way (ft.)
Over 20	40 – 50
11 – 20	35 – 50
6 – 10	30 – 45
3 – 5	20 – 40
1 – 2	16 – 40

b. Through Streets. Through streets shall have rights-of-way widths of 40 to 50 feet.

E. Exceptions from Width Requirements Authorized. In cases where it is found by the city council that special conditions of topography, right-of-way width, traffic flow and the like exist, and that a lesser improvement width will not create a vehicular or pedestrian traffic hazard, the city council may, in its discretion, grant exceptions from the minimum width requirements. (Ord. 09C-17 § 2; Ord. 99C-13 § 1).

Thank you,

Scott Borgeson, P.E.

PAC LAND
 Engineering & Development
 Consulting Services

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 Office: (425) 453-9501 x1528 | Cell: (206) 790-3935
TURNING VISIONS INTO REALITY

Shana Crick

From: Patrick Yamashita
Sent: Wednesday, October 30, 2013 9:28 AM
To: Shana Crick
Cc: Ruji Ding
Subject: Proposed Coval Plat (SUB13-009) - Civil Comments

Follow Up Flag: Follow up
Flag Status: Flagged

Shana,

I've reviewed the October 22, 2013 submittal for the Coval long subdivision. I've provided below three types of comments. The **informational comments** are intended to give the applicant a heads up about something that may not require a correction before the application is deemed complete but may be a necessary design detail or consideration for the plat infrastructure. The **comments for correction** identify issues that if not addressed prior to the application being deemed complete, may result in proposed lot lines, easement limits, or infrastructure changing prior to final plat approval. **SEPA comments** identify information that is incomplete.

Comments for Correction

- Lots 1, 2: The geotechnical report doesn't support shallow infiltration. The report, based on boring B-4 (located between lot 1 and 2 but not in the proposed infiltration location), says infiltration is probably ok below 6' to 12' but must be verified prior to design. The geotech will need to perform this verification prior to construction of the plat infrastructure. If infiltration is not possible, then detention will be required similar to the rest of the plat. Such a change could affect the footprint of the detention system. The applicant may want to perform the verification up front so the appropriate infrastructure can be design for the plat.
- Lots 15, 16: Designed to discharge north without detention and modeled as a "bypass" area. Modeling this as bypass is not acceptable. Runoff from these lots must be detained.
- Provide 10' wide pedestrian easement (instead of 5' as shown on plan) along south property line of lot 10. This was discussed during the applicant's feasibility process.

Informational Comments

- The applicant will be required to perform infiltration tests during construction to verify the design basis for the infiltration (infiltrative capacity, soil type, water table/mottling) at each proposed infiltration location. The stormwater management system will need to be redesigned if the infiltration tests do not support the design basis for infiltration. This could result in detaining the runoff instead of infiltrating and change the footprint of the detention system.
- According to Tim Stewart, one of the residents south of the site, the culvert pipe discharging onto site from the south has history of plugging up with tree roots and fill material. The proposed plat drainage system connects to this culvert. The engineer will need to confirm that the existing culvert pipe on the Coval property is of sound condition to connect to.
- The new culverts on site directing flow to north will need trash racks.

SEPA Comments

- Item 14.f (Transportation) – indicates that the project will generate 180 vehicle trips per day but does not identify the number of am or pm peak hour trips. Need to provide the number of am and pm peak hour trips and provide reference to the basis for the total and peak hour trips from the ITE Trip Generation Manual. A traffic impact analysis is required if the project creates 20 or more peak hour trips.

206.275.7722 phone

206.275-7726 fax

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Accordingly, this e-mail, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

October 25, 2013

Shana Crick
City of City of Mercer Island Development Services Group
9611 SE 36th Street
Mercer Island, WA 98040

Subject: Coval Long Subdivision – File No. SUB13-009
Response to Notice of Incompleteness Letter Dated October 22, 2013

Dear Shana,

We have prepared this letter in order to provide formal responses to your comments regarding the Coval Property long plat application dated October 22, 2013. With this letter, we have addressed each of your comments that have affected your ability to find our application to be complete. We expect that with the information contained on the plans and other information that accompanies this letter, you will find that our application is complete and proceed with the city review process.

We have included each of your comments below followed by our response in ***bold italics***.

1. Pursuant to MICC 19.08.020(D)(2) and MICC 19.09.090(A)(3), "no cross-section of a building pad shall be less than 20 feet in width." The building pads located on proposed lots 9 and 16 have portions that are less than 20 feet in width. Please remove these areas from the proposed building pads. The specific areas are noted on Attachment A.

On Lots 9 and 16, the portion of the area defined by the Building Set Back Lines (B.S.B.L's) that was less than 20-feet wide has been removed.

2. MICC 19.09.090(A)(1) requires that the applicant consider vegetation when locating building pads. Additionally, the application form specifies that the applicant shall provide a tree preservation plan that includes the "location(s) and dimensions of property lines, rights-of ways, utility lines, and easements." Please revise the provided tree inventory/retention plan (Sheet L-1.0) to show all existing and proposed easements and to more clearly show all existing and proposed utility lines.

The provided Sheet L-1.0 Tree Inventory/Retention Plan has been revised per your request. However, showing all of the requested information on a single plan sheet does complicate legibility. All property lines, rights-of-way, utility lines and easements are shown and none are shaded, as they were previously. Existing vegetation has been carefully considered when locating the building pads, as can be seen by the irregular

shapes of the B.S.B.L. lines on many of the lots, in order to clearly show trees that are to be retained.

3. As described in the August 30, 2013 Notice of Incompleteness, a building pad must be identified for preliminary plat review for each proposed lot. The building pad is the portion of a lot on which a building may be located based on standards set forth under MICC Title 19. The criteria for establishing a building pad are described in MICC 19.09.090 and apply specifically to new subdivisions. The building pad must be exclusive of all setbacks, rights-of way, and critical areas. The subject property appears to contain areas of all regulated geohazard areas within the Mercer Island City Code. However, per MICC 19.09.090(A)(2), building pads may be located within landslide hazard provided the following conditions are met:
 - (a) A qualified professional determines that the criteria of MICC 19.07.060(D), Site Development, are satisfied. MICC 19.07.060(D) requires the qualified professional to demonstrate:
 1. Development Conditions. Alterations of geologic hazard areas may occur if the code official concludes that such alterations:
 - a. Will not adversely impact other critical areas;
 - b. Will not adversely impact (e.g., landslides, earth movement, increase surface water flows, etc.) the subject property or adjacent properties;
 - c. Will mitigate impacts to the geologic hazard area consistent with best available science to the maximum extent reasonably possible such that the site is determined to be safe; and
 - d. Include the landscaping of all disturbed areas outside of building footprints and installation of all impervious surfaces prior to final inspection.
 2. Statement of Risk. Alteration within geologic hazard areas may occur if the development conditions listed above are satisfied and the geotechnical professional provides a statement of risk with supporting documentation indicating that one of the following conditions can be met:
 - e. The geologic hazard area will be modified, or the development has been designed so that the risk to the lot and adjacent property is eliminated or mitigated such that the site is determined to be safe;
 - f. Construction practices are proposed for the alteration that would render the development as safe as if it were not located in a geologic hazard area;
 - g. The alteration is so minor as not to pose a threat to the public health, safety and welfare; or
 - h. An evaluation of site specific subsurface conditions demonstrates that the proposed development is not located in a geologic hazard area.
 3. Development Limitations. Within a landslide hazard area, the code official may restrict alterations to the minimum extent necessary for the construction and maintenance of

structures and related access where such action is deemed necessary to mitigate the hazard associated with development.

4. Seasonal Limitations. Land clearing, grading, filling, and foundation work within geologic hazard areas are not permitted between October 1 and April 1. The code official may grant a waiver to this seasonal development limitation if the applicant provides a geotechnical report of the site and the proposed construction activities that concludes erosion and sedimentation impacts can be effectively controlled on-site consistent with adopted storm water standards and the proposed construction work will not subject people or property, including areas off-site, to an increased risk of the hazard. As a condition of the waiver, the code official may require erosion control measures, restoration plans, and/or an indemnification/release agreement. Peer review of the geotechnical report may be required in accordance with subsection C of this section. If site activities result in erosion impacts or threaten water quality standards, the city may suspend further work on the site and/or require remedial action; and

(b) Building pads are sited to minimize impacts to the extent reasonably feasible; and

(c) Building pads are not located in steep slopes or within 10 feet from the top of a steep slope, unless such slopes, as determined by a qualified professional, consist of soil types determined not to be landslide prone.

On October 8, 2013, the applicant submitted to the City a revised geotechnical report. The original geotechnical report dated July 29, 2013 established the presence of erosion and landslide hazard areas on the subject property. Certain areas of the site meet the definition of a "steep slope." According to both geotechnical reports, it appears that the site does not contain any seismic hazard areas.

Neither geotechnical report provided a "Statement of Risk," which is required by MICC 19.07.060(D)(2). The Statement of Risk must affirm that one of the four criteria in MICC 19.07.060(D)(2)(a-d) is being met. The geotechnical engineer must use the code language within the Statement of Risk. Please submit a statement of risk from the geotechnical engineer.

Please see the included letter from Terra Associates, "Response to City of Mercer Island Review Comments", dated 10-24-13. This letter provides the requested "Statement of Risk".

4. MICC 19.09.090 states that "building pads are not located in steep slopes or within 10 feet from the top of a steep slope, unless such slopes, as determined by a qualified professional, consist of soil types determined not to be landslide prone." Both geotechnical reports indicate the presence of landslide hazard areas on site. MICC 19.16.010(L) defines "landslide

hazard areas" as "those areas subject to landslides based on a combination of geologic, topographic, and hydrologic factors, including:

1. Areas of historic failures;
2. Areas with all three of the following characteristics:
 - a. Slopes steeper than 15 percent; and
 - b. Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
 - c. Springs or ground water seepage;
3. Areas that have shown evidence of past movement or that are underlain or covered by mass wastage debris from past movements;
4. Areas potentially unstable because of rapid stream incision and stream bank erosion; or
5. Steep Slope. Any slope of 40 percent or greater calculated by measuring the vertical rise over any 30-foot horizontal run.

Using the City's definition provided above, please provide a revised geotechnical report that demonstrates how the soils on site are not landslide prone.

This comment was rescinded per e-mail from Shana Crick to Wes Giesbrecht on October 23, 2014. The e-mail stated "The geotechnical reports provided have adequately addressed item number four."

5. The front setback shown on lot 14 does not appear to meet the requirements of MICC 19.02.020(C)(2)(a), which states that the front yard extends "the full width of the lot." Attachment A indicates the location of the front setback for the specified lot. Please revise the plat to conform to the requirements of MICC 19.02.020(C)(2)(a).

The B.S.B.L. on Lot #14 was revised so that it meets the requirements of the MICC. The B.S.B.L. was defined by offsetting the southern lot line and the arc at the hammerhead a distance of 20-feet to the north. The side yard requested in Comment #3 above, was offset at 10-feet from the portion of the Tract A boundary that defines the northwest edge of the hammerhead. The setback line shown was then increased to be an even 25-feet from the southern lot line so that it would be easier for the City to identify this line at the time of building permit review for the future building.

6. The State Environmental Policy Act checklist is enclosed as Attachment B. Please revise the checklist to clarify the areas indicated. Additionally, the checklist is not complete. Please respond to question 14(f).

The SEPA Environmental Checklist has been revised, including question 14(f). A detailed response to each city comment is provided further in this letter.

7. The proposed plat indicates that a 30 foot wide communications easement recorded under number 3758636 will be abandoned. The applicant must show that the grantee no longer needs the easement and is amenable to extinguishing the easement.

Chicago Title Company is researching the ownership of the 30-foot communications easement from 1947. Their preliminary research indicates that the easement can be abandoned. It is typical in other local agencies to address issues like this as a condition of approval for the Preliminary Plat, as opposed to making it an issue that would impact the completeness of an application. The B.S.B.L.'s for Lots 4, 5, 9 and 10 have been revised to no longer cross the easement. Note #2 has been added to identify that "Proposed building setbacks for Lots 4, 5, 9 and 10 may be shifted up to proposed 25' utility easement upon abandonment of existing 30' communications easement." so that the intention to address this issue is made explicitly clear.

The corrections delineated below are not required to deem the application complete. However, they are necessary for approval of the application.

1. MICC 19.02.020(A)(2) states that "any part of such lot which is part of a street" shall be excluded from lot area when "determining whether a lot complies with the lot area requirements." Note 2 on Sheet CV-01 indicates that the net lot areas provided on the plat and in the table included on Sheet CV-01 have been calculated by subtracting the area of pedestrian access easements from the gross lot area. Exclusion of the area of an easement is not required unless the easement is used for vehicular access. While the pedestrian easements must be included within the impervious surface calculations (as they have been in these revisions), they do not need to be excluded from the lot area. Therefore, it appears that the gross lot area is the same as the net lot area for each proposed lot.

As requested, callouts and the table column for "Net Lot Area" have been removed from Sheet CV-01 and Note #2 has been replaced.

2. Additional revisions are shown on Attachment A. Please submit a revised plan that addresses the required revisions.

The comments provided on Attachment A are addressed individually below.

The following comments were contained in "Attachment A – 10-22-2013", which was included with the Notice of Incompleteness letter noted above. The numbered comments are listed below the heading indicating the sheet name they were associated with.

Sheet CV-01 – Cover Sheet/Preliminary Plat Map:

1. Dedications for public right-of-way are required to meet the standards in MICC 19.09.030. Please contact Patrick Yamashita, City Engineer, for further information.

We contacted Patrick Yamashita by e-mail on October 23, 2013. He replied "The right of way dedication just needs to be part of the final plat and reflected on the plat document." The proposed 30' of right of way dedication is noted on Sheet CV-01 as requested and the proposed lots reflect the right-of-way dedication.

2. Per MICC 19.08.020(D)(2) and MICC 19.09.090(A)(3), "no cross-section of a building pad shall be less than 20 feet in width." Please remove the area denoted from the building pad, as it is less than 20 feet in width.

The portion of the area defined by the B.S.B.L's on Lot #16 that was less than 20-feet wide has been removed.

3. This yard is abutting a street. According to MICC 19.02.020(C)(1)(c), "no side yard abutting a street shall be less than 10 feet." Please revise the width of this setback.

The B.S.B.L. for Lot #14 has been revised to provide a 10-foot wide side yard.

4. This dimension is shown as 154 feet when it measures 151 feet.

The dimension text on Lot #15 has been corrected to 151'.

5. This dimension is shown as 154 feet when it measures 151 feet.

The dimension text on Lot #18 has been corrected to 151'.

6. These setbacks do not add up to 15 feet as required by MICC 19.02.020(C)(1)(c).

The eastern B.S.B.L. line on Lot #18 has been revised to be 7.5-feet off the adjacent lot line, for a total of 15-feet when added with the western set back.

7. This dimension is shown as 154 feet when it measures 151 feet.

The dimension text on Lot #14 has been corrected to 151'.

8. This dimension is shown as 154 feet when it measures 151 feet.

The dimension text on Lot #17 has been corrected to 151'.

9. This dimension is shown as 154 feet when it measures 151 feet.

The dimension text on Lot #18 has been corrected to 151'.

10. MICC 19.02.020(C)(1)(c) requires a front setback of 20 feet. Please revise the building pad so that a 20 foot setback is maintained along the street frontage as shown by the blue line..

The B.S.B.L. on Lot #14 was revised so that it meets the requirements of the MICC. The B.S.B.L. was defined by offsetting the southern lot line and the arc at the hammerhead a distance of 20-feet to the north. The side yard requested in Comment #3 above, was offset at 10-feet from the portion of the Tract A boundary that defines the northwest edge of the hammerhead. The setback line shown was then increased to be an even 25-feet from the southern lot line so that it would be easier for the City to identify this line at the time of building permit review for the future building.

11. This Per MICC 19.08.020(D)(2) and MICC 19.09.090(A)(3), "no cross-section of a building pad shall be less than 20 feet in width." Please remove the area denoted from the building pad, as it is less than 20 feet in width.

The portion of the area defined by the B.S.B.L's that was less than 20-feet wide has been removed. This increased the setback from Tract A to 25-feet.

12. Is this portion of the pedestrian walkway intended to be pervious? If so, the walkway must meet the requirements of MICC 19.02.020(D)(2)(d): Uncovered pedestrian walkways constructed with gravel or pavers not to exceed 60 inches in width shall be exempt from the maximum impervious surface limits. Pavers are defined by MICC 19.16.010(P) as "a paver or pavement that allows rain and/or surface water runoff to pass through it and reduce runoff from a site and surrounding areas. Pavers include porous pavement, porous pavers, and permeable interlocking concrete pavement as described in the Washington State Department of Ecology Stormwater Management Manual, as now exists or hereafter amended."

The note for this path has been revised to clarify that the gravel path is 5-feet wide, which complies with MICC 19.02.020(D)(2)(d). Therefore, this area was not included in the "Non-Residential Impervious" area shown in the table.

13. Please clarify whom the current grantee is and demonstrate why this easement can be abandoned.

Chicago Title Company is researching the ownership of the 30-foot communications easement from 1947. Their preliminary research indicates that the easement can be abandoned. It is typical in other local agencies to address issues like this as a condition of approval for the Preliminary Plat, as opposed to making it an issue that would impact the completeness of an application. The B.S.B.L.'s for Lots 4, 5, 9 and 10 have been revised to no longer cross the easement. Note #2 has been added to identify that "Proposed building setbacks for Lots 4, 5, 9 and 10 may be shifted up to proposed 25' utility easement upon abandonment of existing 30' communications easement." so that the intention to address this issue is made explicitly clear.

14. It appears that some of these values were calculated from the net lots areas provided. Impervious surface allowances are always calculated from the gross lot areas. Please revise these values.

Per your advice, the "Net Lot Area" column has been removed from the table and all calculations are based on the actual gross "Lot Area".

15. It appears that all the gross lot areas and net lot areas are the same (please see corrections letter).

Per your advice, the "Net Lot Area" column has been removed from the table and from the callouts on the individual lots.

16. Please revise considering that all the gross lot areas and net lot areas are the same (please see corrections letter).

The calculations for "Gross Max Lot Coverage" have been revised based on the gross "Lot Area".

17. Please revise these values to reflect the changes to the "Gross Max Lot Coverage" column.

The calculations for "Net Max Lot Coverage" have been revised based on the gross "Lot Area".

Sheet C-1.0 – Preliminary Grading and Drainage Plan:

These values differ substantially from those provided in the SEPA checklist. Please clarify why there is a discrepancy.

The SEPA Checklist is intended to provide general project information that establishes the maximum impacts that a project may have on the environment. For this reason, it is advisable for earthwork estimates listed in the SEPA Checklist to include a factor of safety so that the SEPA determination won't be invalidated if the project design changes as the project evolves from the preliminary design. The earthwork estimates shown on Sheet C-1.0 are intended to reflect the proposed grading represented by that preliminary design, which may change when actual construction plans are prepared.

Sheet L-1.0 – Tree Inventory/Retention Plan:

1. Show steep slopes on the tree plan. Removal of trees on steep slopes may require special conditions. Check with Kathy Parker, City Arborist, for details.

The proposed top of steep slope line has been approximated on Sheet L-1.0. A meeting with Kathy Parker has been scheduled to better understand any special conditions that may be required as conditions of preliminary plat approval.

2. Please show all existing and proposed easements. Also, revise the utility lines on the tree plan so that they are easier to see.

All existing and proposed easements and utility lines are now shown on Sheet L-1.0.

The following comments were contained in "[Attachment B – 10-22-2013 – Environmental Checklist](#)", which was included with the Notice of Incompleteness letter noted above. The comments are listed below based on the numbered item that the comment referred to.

- A.12 None will be retained.

The description of existing site elements that are to be retained was removed, since this item is only requesting information on the "location of the proposal".

- B.1.a Site also has steep slopes.

The "general description of the site (check one)" has been revised to also check "steep slopes". The majority of the site is "rolling", which is also checked.

- B.5.a Others? Site is approximately ½ mile from a known eagle's nest but is not in a regulated area.

In addition to songbirds, we have also noted the presence of crows and bluejays. It has also been noted that the site is approximately ½ mile from an eagle's nest, but not in a regulated area.

B.8.h Yes. The site contains steep slope & landslide, seismic, erosion hazard areas.

The requested change has been made.

B.14.c Three parking spaces required per MICC.

The requested change has been made.

B.14.f This must be addressed.

It is now noted that approximately 180 daily trips would be generated by the completed project and that peak volumes would occur between 4-6 p.m. on weekdays.

D. This does not apply. Project is not a nonproject action.

All of the responses in this section have been deleted.

We hope that you will agree that the revised Preliminary Plat Plans adequately address each of your review comments. If you should have any questions during your review, please do not hesitate to contact me at sborgeson@pacland.com or at (425) 453-9501x1528.

Sincerely,



Scott Borgeson, P.E.
Project Manager

Enclosures:

- Civil Plan Sheets (revised 10-24-13):
 - CV-01 – Cover Sheet/Preliminary Plat Map
 - C-1.0 – Preliminary Grading and Drainage Plan
 - L-1.0 – Tree Inventory/Retention Plan
- Environmental Checklist (revised 10-24-13)
- Letter from Terra Associates, "Response to City of Mercer Island Review Comments", dated 10-24-13

SRB:akp

EXHIBIT 31



Memorandum

Development Services Group

To: Wes Giesbrecht
From: Kathy Parker, Arborist
Re: Coval Long Plat
Date: October 30, 2013

Please incorporate the following in your "Tree Plan" for the Coval Long Plat:

1. The applicant is required to submit a Tree Plan included on the civil sheet that "indicates the location, diameter and/or size, and species of all large trees. Trees proposed to be cut shall be identified and differentiated from those trees not being cut. The applicant will show tree protection at driplines (to scale) of protected trees on the civil sheet. For a permit involving any critical tree area, the applicant shall also identify vegetative cover that will be retained or removed" (MICC 19.10.080.A.3.iii).
2. The applicant shall provide a plan for protecting trees that are not intended to be cut, a plan for conducting all construction work in accordance with **best construction practices** and a plan for erosion control and restoration of and during and immediately following the construction period. Best construction practices include chain link fencing to be installed at drip lines of protected trees. No intrusion of any kind (to include grade changes, structural elements, rockeries, all utilities etc.) will be allowed within protection fences without approval from the city. Best construction practices will also include "methods, techniques and /or procedures developed by the city arborist to protect trees being retained during construction work from damage (MICC 19.16.010.B).
3. The applicant shall include their project arborist comments and any other future reports regarding removals, limits of disturbance, tree protection and mitigation into their tree plans.
4. Final tree protection and removal will be determined in the field after all plat improvements are accurately staked in the field. The applicant is required to use **reasonable best efforts** to design and locate any improvements and perform the construction work in a manner consistent with the purposes set forth in MICC 19.10.040.B.2. Therefore, you may need to explore other methods and location of construction before plat and building submittals.

Page 1 of 2

EXHIBIT 31

Project Nos.: SUB13-009/SEP13-031

Project Name: Coval Preliminary Long Plat

Project Address: 3051 84th Avenue SE



Greenforest Incorporated



Consulting Arborist

9/21/2013

Wes Giesbrecht
MI 84th Limited Partnership
15080 North Bluff Road
White Rock, BC V4B 5C1

RE: Supplemental Arborist Report, Tree 7102
Coval Property, Mercer Island WA

Dear Mr. Giesbrecht:

This letter is supplemental to my tree report dated 8/20/13. The plan currently proposed for the Coval property will construct a roadway entering the site from the east, through the middle of the parcel westward directly toward the largest tree on the parcel, tree 7102. This tree will be primary focal point of the landscape. The purpose of this letter is to provide additional specific information about the health and structure of this tree, and it is to be used in planning the proposed construction and changes to the site.

I visited this tree yesterday and performed further evaluation and assessment. I excavated soil from the rootcrown, examined the tree through binoculars from four cardinal directions, and sounded the trunk with a mallet. I recorded my findings and photographed the tree, and the current visible defects.



Below are images of the broken scaffold branches.

The top images each show two broken branches hanging in the canopy (white arrows). The branches in the top left image are on the SE side of the tree, and those in the right image are on both the east and west sides of the tree.

The lower image shows a dead branch still attached to the north side of the trunk (black arrow). These limbs are in the lower portion of canopy, approximately 25-35 feet from grade.



I recommend these hanging and dead limbs be pruned from the tree, if the tree is retained. I also recommend against any further limb thinning, or 'wind sailing' as it is popularly called. There is no evidence that this tree routinely sheds live limbs during high winds, as there is no evidence that 'wind sailing' reduces any risk of branch shedding in high winds.

December 24, 2013

Shana Crick
City of Mercer Island Development Services Group
9611 SE 36th Street
Mercer Island, WA 98040

Subject: Coval Long Subdivision – File No. SUB13-009
Response to Review Comments Dated October 30, 2013

Dear Shana,

We have prepared this letter in order to provide formal responses to your comments regarding the Coval Property long plat application dated October 30, 2013. With this letter, we have addressed each of your comments. We have also addressed the city's request for a revised approach to tree retention, which is explained further at the end of this letter.

We have included each of your comments below followed by our response in ***bold italics***.

Comments for Correction

1. Lots 1, 2: The geotechnical report doesn't support shallow infiltration. The report, based on boring B-4 (located between lot 1 and 2 but not in the proposed infiltration location), says infiltration is probably acceptable below 6' to 12' but must be verified prior to design. The geotech will need to perform this verification prior to construction of the plat infrastructure. If infiltration is not possible, then detention will be required similar to the rest of the plat. Such a change could affect the footprint of the detention system. The applicant may want to perform the verification up front so the appropriate infrastructure can be design for the plat.

Response: The proposed infiltration trenches on Lots 1 and 2 will be located a minimum of six feet below the ground surface. If the geotechnical engineer finds prior to construction that infiltration is not possible, detention will be provided for these two lots.

2. Lots 15, 16: Designed to discharge north without detention and modeled as a "bypass" area. Modeling this as bypass is not acceptable. Runoff from these lots must be detained.

Response: Please see the attached Stormwater Bypass Memo.

3. Provide a 10' wide pedestrian easement (instead of 5' as shown on plan) along south property line of lot 10. This was discussed during the applicant's feasibility process.

Response: The pedestrian easement along the southern property line of Lot 10 has been revised to be 10 feet wide.

Informational Comments

4. The applicant will be required to perform infiltration tests during construction to verify the design basis for the infiltration (infiltrative capacity, soil type, water table/mottling) at each proposed infiltration location. The stormwater management system will need to be redesigned if the infiltration tests do not support the design basis for infiltration. This could result in detaining the runoff instead of infiltrating and change the footprint of the detention system.

Response: Noted.

5. According to one of the residents south of the site, the culvert pipe discharging onto the site from the south has history of plugging up the tree roots and fill material. The proposed plat drainage system connects to this culvert. The engineer will need to confirm that the existing culvert pipe on the Coval property is of sound condition to connect to.

Response: The existing culvert pipe will be examined by a Professional Engineer to assess its condition and confirm that it is of sound condition to connect to.

6. The new culverts on site directing flow to north will need trash racks.

Response: Trash racks will be provided on the new culverts directing flow to the north.

SEPA Comments

7. Item 14.f (Transportation) – indicates that the project will generate 180 vehicle trips per day but does not identify the number of am or pm peak hour trips. Need to provide the number of am and pm peak hour trips and provide reference to the basis for the total and peak hour trips from the ITE Trip Generation Manual. A traffic impact analysis is required if the project creates 20 or more peak hour trips.

Response: A Trip Generation Memorandum prepared by Transportation Engineering NorthWest (TENW), was submitted to the City on November 6th. The trip generation calculations showed that this project will not create 20 or more peak hour trips.

We hope that you will agree that the revised Preliminary Plat Plans adequately address each of your review comments.

In addition to the revisions requested in your October 30, 2013 letter, we have also made the following changes to address verbal comments received from the City, primarily related to tree retention:

- The proposed grading design has now been shown on two separate plan sheets. The first sheet (C-1.0) shows the grading required to only construct the plat infrastructure. The second sheet shows the grading required for the full build-out of the completed project.
- The proposed tree preservation program has now been presented on three separate plan sheets. Sheet L-1.0 shows an inventory of all of the existing trees and includes table that show the arborist's evaluation of the health and structural grade of each tree. Sheet L-2.0 shows the trees that are proposed to be removed in order to allow for the construction of the plat infrastructure. The second sheet shows the proposed tree removal that will be necessary for the full build-out of the completed project.
- The revised plans now show a significant increase in the quantity of trees to be retained. We have been working diligently to revise the project design to allow more tree retention by revising the grading design and the configuration of the future homes.

If you should have any questions during your review, please do not hesitate to contact me at sborgeson@pacland.com or at (425) 453-9501x1528.

Sincerely,



Scott Borgeson, P.E.
Project Manager

Enclosures:

- Civil Plan Sheets (revised 12-24-13):
 - CV-01 – Cover Sheet/Preliminary Plat Map
 - SV-1 – Topographic Map
 - C-1.0 – Phase 1 Grading and Drainage Plan
 - C-1.1 – Phase 2 Grading and Drainage Plan
 - C-1.2 – Preliminary Road Profiles & Sections
 - C-2.0 – Preliminary Utility Plan
 - L-1.0 – Tree Assessment Plan
 - L-2.0 – Phase 1 Tree Implementation Plan
 - L-2.1 – Phase 2 Tree Implementation Plan
- Stormwater Bypass Memo prepared by PACLAND, dated December 24th, 2013

SRB:sb

Memorandum

Date: December 24, 2013

To: Shana Crick
City of Mercer Island
Development Services Group
9611 SE 36th Street
Mercer Island, Washington 98040

From: Scott Borgeson, P.E.

Subject: Coval Long Subdivision; Mercer Island, Washington
Stormwater Bypass Memo

The purpose of this memo is to address review Comment #2, received on October 22, 2013, for the 5.1-acre site located at 3051 84th Avenue NE in Mercer Island, WA – "2. Lots 15, 16: Designed to discharge north without detention and modeled as a "bypass" area. Modeling this as bypass is not acceptable. Runoff from these lots must be detained."

There are portions of the site that have been modeled as bypass area, as they cannot be collected and conveyed to the proposed detention vault due to topography and tree retention. The City of Mercer Island utilizes the 2005 Department of Ecology (DOE) Stormwater Manual, which states the following in regards to bypass areas:

Bypass occurs when a portion of the development does not drain to a stormwater detention facility. Onsite runoff from a proposed development project may bypass the flow control facility provided that all of the following conditions are met.

- 1. Runoff from both the bypass area and the flow control facility converges within a quarter-mile downstream of the project site discharge point, and*
- 2. The flow control facility is designed to compensate for the uncontrolled bypass area such that the net effect at the point of convergence downstream is the same*

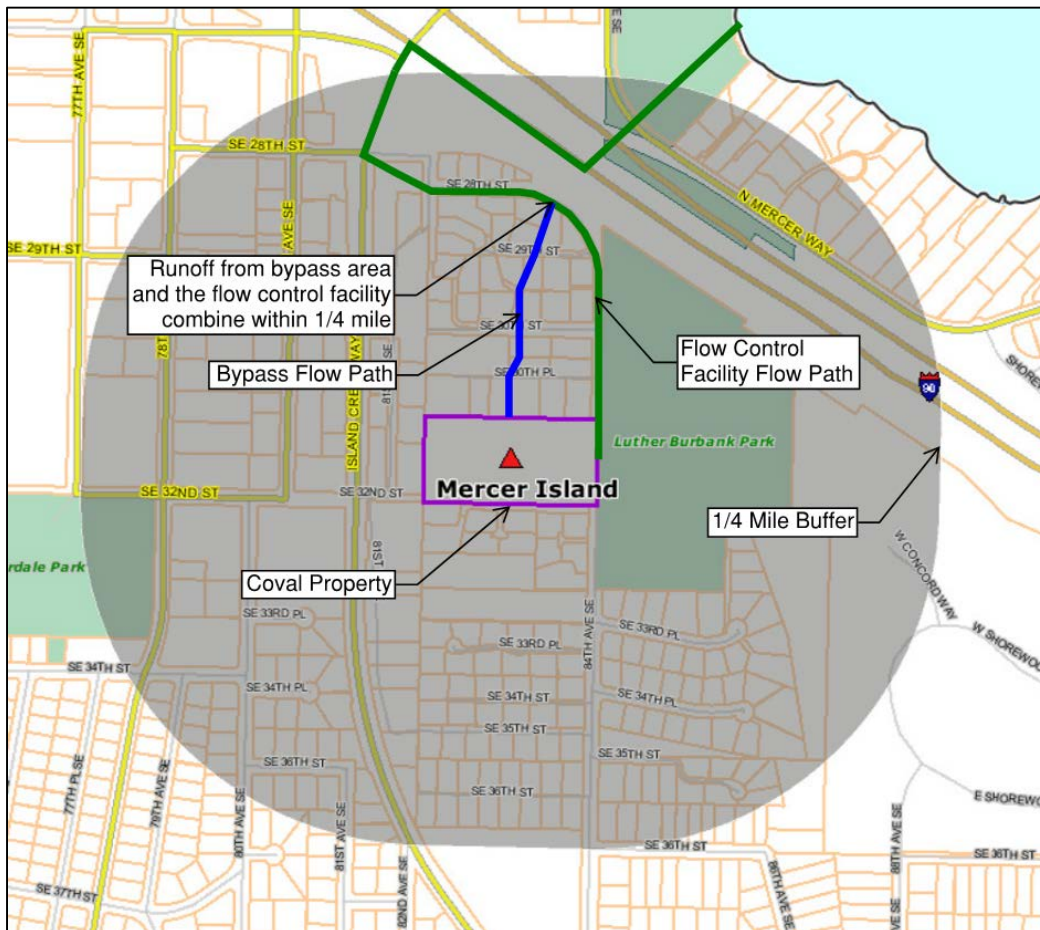
Memorandum

- with or without bypass, and*
- 3. The 100-year peak discharge from the bypass area will not exceed 0.4 cfs, and*
 - 4. Runoff from the bypass area will not create a significant adverse impact to downstream drainage systems or properties, and*
 - 5. Water quality requirements applicable to the bypass area are met.*

These requirements have been met as follows:

1. Runoff from both the bypass area and the flow control facility converges within a quarter-mile downstream of the project site discharge point.

Runoff from the bypass area and the flow control facility combine within ¼ mile as shown below.



Memorandum

2. The flow control facility is designed to compensate for the uncontrolled bypass area such that the net effect at the point of convergence downstream is the same with or without bypass.

The proposed detention vault has been oversized to compensate for the uncontrolled bypass areas by modeling these areas as bypass in WWHM. The combined discharge rate

of the bypass flows and detained flows are equal to the discharge rate that would be permitted if the entire site was detained in the proposed vault.

3. The 100-year peak discharge from the bypass area will not exceed 0.4 cfs.

The bypass area that flow to the northern culver include 0.46 acres of lawn and native vegetation. The 100-year peak discharge from this area is 0.08 cfs, which is significantly less than the maximum 0.4 cfs allowed per the DOE Manual.

4. Runoff from the bypass area will not create a significant adverse impact to downstream drainage systems or properties.

In the existing conditions, approximately 2.72 acres of onsite pervious area drain to the northern culvert via the onsite ditch. The 100-year peak runoff rate for the existing area is 0.5 cfs. In the proposed condition, only 0.46 acres of onsite pervious area will drain to the culvert and leave the site as bypass flow. The 100-year peak runoff rate in the proposed condition will be 0.08 cfs.

Allowing the native slopes and portions of the site that are too low to convey to the detention vault to bypass detention will not create an adverse impact to the downstream drainage systems or properties, because the developed peak flow to the northern culvert will be approximately 0.42 cfs less than what it is in the existing condition.



Memorandum

5. Water quality requirements applicable to the bypass area are met.

The proposed bypass areas that drain to the northern culvert consist of lawn and native vegetation. Therefore, water quality treatment is not required for these areas.

The proposed bypass areas meet the DOE requirements for bypass and allow for increased tree and native slope retention. Additionally, amended soils will be placed in disturbed areas to enhance stormwater absorption in bypass areas.

Shana Crick

From: Kathy Parker
Sent: Tuesday, December 31, 2013 8:48 AM
To: 'Fred Glick'
Cc: Shana Crick; Patrick Yamashita; Scott Greenberg; Ruji Ding
Subject: Coval Property

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Fred and Happy New Year to You!

After a quick review of your latest submittal, here are some of my initial comments.

1. Which sheet illustrates all plat improvements and tree removal for those plat improvements? Your utility sheet should have all removals for the plat improvements clearly marked with an X and it should show tree protection, to scale, at the drip line for the trees that you know can be protected throughout the project.
2. I recommend that you do not show tree protection for the trees that you know will be coming down for buildings etc. (L-2.0) and only show tree protection for the trees that you know will be protected throughout the entire project.
3. Page L-1.0 comments:
 - a. Holly and cottonwood are regulated trees. Holly is an evergreen over 6 feet tall and cottonwoods can be cut but only with a permit.
 - b. You suggest that all fruit trees will be coming out while I am sure some could be saved.
 - c. Regarding health, your arborist states that 1 = is no visible problem; 2 = minor visible problems; 3 = significant visible problems. Please revisit your Health/Structural Issues column to reflect your arborist report. You show many #1 and #2 trees. From his report, it seems that trees with threes could be issues and not #1 and #2 trees.
 - d. You list all 57 madrones as being structurally unsound. Is this correct?
4. Clarification: "significant trees" are any deciduous tree over 6 inches dbh and any evergreen over 6 feet tall.
5. Under "Legend" please change comment from: "tree protection to be provided with orange construction fencing" to "tree protection to be provided with cyclone fencing installed at drip lines."
6. Please include your previous columns: "Trees to be Removed" and "Trees to be Retained."
7. Removals on the plan need to be reflected on the removal list. 7123 is an example of a tree with an X on the plan that did not show up on your removal list.

Thanks for your efforts and feel free to call with any questions.

K. Parker
Arborist
City of Mercer Island
phone: (206) 275 7713
fax: (206) 275 7726
email: kathy.parker@mercergov.org

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Shana Crick

From: Herschel Rostov
Sent: Friday, January 10, 2014 8:02 AM
To: Shana Crick
Subject: RE: Coval Property - MI 84th Partnership - Proposed Plat

Follow Up Flag: Follow up
Flag Status: Flagged

Have looked over the newest set of plans. The shortened road length allows for a 20' wide fire lane. It must be completely 20' paved, not 16' paved with gravel shoulders etc. At this width no parking will be allowed unless a 26' road is provided. The fire turnaround is correct. They are only showing one of the original 2 hydrants. It may have been removed because of the shortened road but should not have been. The second hydrant is required at 300 to 350' spacing from the other new one.
Herschel

-----Original Message-----

From: Shana Crick
Sent: Thursday, January 09, 2014 4:58 PM
To: Patrick Yamashita
Cc: Ruji Ding; Herschel Rostov
Subject: RE: Coval Property - MI 84th Partnership - Proposed Plat

Thank you!

Shana Crick
Senior Planner
City of Mercer Island Development Services Group
9611 SE 36th Street
Mercer Island, WA 98040-3732
Phone: 206-275-7732; Fax: 206-275-7726 shana.crick@mercergov.org

View the status of permits at www.mybuildingpermit.com View information for a geographic area at <http://pubmaps.mercergov.org> View application and other zoning information at <http://www.mercergov.org/Page.asp?NavID=361>

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-----Original Message-----

From: Patrick Yamashita
Sent: Thursday, January 09, 2014 4:58 PM
To: Shana Crick
Cc: Ruji Ding; Herschel Rostov
Subject: RE: Coval Property - MI 84th Partnership - Proposed Plat

Shana,

Here are the engineering conditions. Thanks Ruji.

Patrick

-----Original Message-----

From: Shana Crick
Sent: Thursday, January 09, 2014 3:04 PM
To: Herschel Rostov
Cc: Patrick Yamashita; Ruji Ding
Subject: RE: Coval Property - MI 84th Partnership - Proposed Plat

Thanks. The staff report needs to be delivered tomorrow morning, so please let me know as soon as possible.

Shana Crick
Senior Planner
City of Mercer Island Development Services Group
9611 SE 36th Street
Mercer Island, WA 98040-3732
Phone: 206-275-7732; Fax: 206-275-7726 shana.crick@mercergov.org

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-----Original Message-----

From: Herschel Rostov
Sent: Thursday, January 09, 2014 3:03 PM
To: Shana Crick
Subject: Re: Coval Property - MI 84th Partnership - Proposed Plat

Will look it over tonight.

Sent from my iPhone

> On Jan 9, 2014, at 15:01, "Shana Crick" <Shana.Crick@mercergov.org> wrote:

>

> Herschel,

>

> I am attaching the most recent plat.

>

> Thanks,

> Shana

>

> Shana Crick

> Senior Planner

> City of Mercer Island Development Services Group

> 9611 SE 36th Street

> Mercer Island, WA 98040-3732

> Phone: 206-275-7732; Fax: 206-275-7726

> shana.crick@mercergov.org<mailto:shana.crick@mercergov.org>

>

> View the status of permits at

> www.mybuildingpermit.com<<http://www.mybuildingpermit.com/>>
> View information for a geographic area at
> <http://pubmaps.mercergov.org><<http://pubmaps.mercergov.org/geocortex/esentials/web/Viewer.aspx?Site=MercerIslandPublic&ReloadKey=True>>
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>
>
> From: Herschel Rostov
> Sent: Thursday, January 09, 2014 2:55 PM
> To: Herschel Rostov
> Cc: Shana Crick; Herschel Rostov; Steve Heitman; Shawn Matheson;
> Patrick Yamashita; Ruji Ding
> Subject: Re: Coval Property - MI 84th Partnership - Proposed Plat
>
> I may have misspoken. Did not see the change to 500 foot length. Let me look this over and I will let everyone know.
>
> Sent from my iPhone
>
> On Jan 9, 2014, at 14:49, "Herschel Rostov"
<Herschel.Rostov@mercergov.org<<mailto:Herschel.Rostov@mercergov.org>>> wrote:
> The above itemized requirements are required and due to the size of the plat, code Alts would not be acceptable. I will look to see if I can be at the meeting.
>
> Sent from my iPhone
>
> On Jan 9, 2014, at 12:30, "Shana Crick"
<Shana.Crick@mercergov.org<<mailto:Shana.Crick@mercergov.org>>> wrote:
> Dear Herschel,
>
> We're preparing the staff report for the open record public hearing for the Coval 18 lot plat, and it came to our attention that the road width may not comply with fire requirements. The original conditions provided to me from fire are as follows:
>
>
> 1. 26' minimum width road.
>
> 2. Y turn around legs shall be minimum of 60' each.
>
> 3. 2 hydrants to be installed.
>
> The applicant is proposing a 24 foot road with 20 feet of pavement. Is this acceptable for fire standards (please see the attached correspondence)? If not, could we include the above requirements as conditions of approval that are subject to your discretion?
>
> Additionally, as discussed above, the public hearing for the plat will be in front of the Planning Commission on January 15, 2014. It would be great, but not imperative, if someone from Fire could attend.
>
> Thanks,
> Shana

>
> Shana Crick
> Senior Planner
> City of Mercer Island Development Services Group
> 9611 SE 36th Street
> Mercer Island, WA 98040-3732
> Phone: 206-275-7732; Fax: 206-275-7726
> shana.crick@mercergov.org<mailto:shana.crick@mercergov.org>
>
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> View information for a geographic area at
> http://pubmaps.mercergov.org<http://pubmaps.mercergov.org/geocortex/es
> sentials/web/Viewer.aspx?Site=MercerIslandPublic&ReloadKey=True>
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confidentiality or privilege asserted by an external party.
>
>
>
> Patrick,
>
> No, the site plan was revised following the e-mail exchange with Herschel and we reduced
the road length to be less than 500 feet so that a 20' wide road would be allowed. If you
have any additional questions, please let me know.
>
> Thank you,
> Scott Borgeson, P.E.
> PAC LAND
> Engineering & Development
> Consulting Services
>
> 11400 SE 8th St, Suite 345 | Bellevue, WA 98004 << NEW ADDRESS
> Office: (425) 453-9501 x1528 | Cell: (206) 790-3935 TURNING VISIONS
> INTO REALITY
>
> From: Patrick Yamashita [mailto:Patrick.Yamashita@mercergov.org]
> Sent: Thursday, January 09, 2014 12:07 PM
> To: Scott Borgeson; Shana Crick
> Cc: Ruji Ding; Herschel Rostov
> Subject: RE: Coval Property - MI 84th Partnership - Proposed Plat
>
> Scott,
>
> Does this mean that your design incorporates a 26' wide roadway?
>
>
> From: Scott Borgeson [mailto:sborgeson@pacland.com]
> Sent: Thursday, January 09, 2014 10:33 AM
> To: Shana Crick
> Cc: Patrick Yamashita; Ruji Ding; Herschel Rostov
> Subject: RE: Coval Property - MI 84th Partnership - Proposed Plat
>

> Shana,
>
> Here are the two responses received from Herschel Rostov on August 19th. If you need anything additional, please let me know.
>
> Thank you,
> Scott Borgeson, P.E.
> PAC LAND
> Engineering & Development
> Consulting Services
>
> 11400 SE 8th St, Suite 345 | Bellevue, WA 98004 << NEW ADDRESS
> Office: (425) 453-9501 x1528 | Cell: (206) 790-3935 TURNING VISIONS
> INTO REALITY
>
> From: Shana Crick [mailto:Shana.Crick@mercergov.org]
> Sent: Thursday, January 09, 2014 10:29 AM
> To: Scott Borgeson
> Cc: Patrick Yamashita; Ruji Ding; Herschel Rostov
> Subject: RE: Coval Property - MI 84th Partnership - Proposed Plat
>
> Scott,
>
> Did Herschel Rostov ever respond to the email below? If so, could you please forward it to us?
>
> Thanks,
> Shana
>
> Shana Crick
> Senior Planner
> City of Mercer Island Development Services Group
> 9611 SE 36th Street
> Mercer Island, WA 98040-3732
> Phone: 206-275-7732; Fax: 206-275-7726
> shana.crick@mercergov.org<mailto:shana.crick@mercergov.org>
>
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>
>
> From: Scott Borgeson [mailto:sborgeson@pacland.com]
> Sent: Monday, August 19, 2013 4:02 PM
> To: Herschel Rostov
> Cc: Patrick Yamashita; Ruji Ding; Shana Crick
> Subject: Coval Property - MI 84th Partnership - Proposed Plat
>

> Herschel,
>
> This e-mail is to follow up with you regarding the road width that will be required for the Coval Property plat, which is located on of 84th Avenue SE. In our meeting on July 30th, it was expressed that the plat road for this project would need to be 26' wide. However, in our meeting on March 26th, you had told us that only 20' of pavement would be required and that if we provided 26' of pavement, we could have on-street parking on one side of the road. The plat road is proposed to serve 14 lots and is just over 500' in length. We designed the plat based on this earlier guidance and are not sure if there has been a change from the requirements in effect in March or if our meeting notes are incorrect.
>
> Could you please clarify the basis for the road width requirements?
>
> If the issue is the length of the road, could you please clarify how the City of Mercer Island measures the road length. Is it from the edge of pavement on 84th to the start of the hammerhead or is it measured in another way?
>
> Thank you,
> Scott Borgeson, P.E.
> PAC LAND
> Engineering & Development
> Consulting Services
>
> 11400 SE 8th St, Suite 345 | Bellevue, WA 98004 << NEW ADDRESS
> Office: (425) 453-9501 x1528 | Cell: (206) 790-3935 TURNING VISIONS
> INTO REALITY
>
>
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>
> <mime-attachment>
> <mime-attachment>
> <PIN1224049010-Plans-131224-reduced.pdf>

**COMMENT LETTERS
AND ADDITIONAL
CORRESPONDENCE**

R.W. THORPE & ASSOCIATES, INC.

Seattle • Anchorage • Denver • Winthrop

❖ **Planning | Landscape Architecture | Project Management | Environmental | Economics** ❖**PRINCIPALS:**Robert W. Thorpe, AICP, President
Stephen Speidel, ASLA**ASSOCIATES:**Lee A. Michaelis, AICP, Senior Associate
Lindsay Diallo, RLA, Associate

August 1, 2013

Development Services
City of Mercer Island
9611 SE 36th Street
Mercer Island, WA 98040

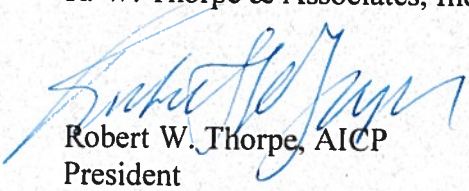
Attention: Shana Crick, Planner

Reference: Friends of 32nd

Dear Shana,

This is to formally advise you that R. W. Thorpe & Associates, Inc., have been retained by The Friends of 32nd Neighborhood Association to review, critique, and offer design alternatives during the submission review. We look forward to working with DPD Staff on this application.

Please make us a Party of Record.

Thank you,
R. W. Thorpe & Associates, Inc.
Robert W. Thorpe, AICP
PresidentCC: Dale Kingman
Sue Stewart

RECEIVED

AUG - 1 2013

CITY OF MERCER ISLAND
DEVELOPMENT SERVICES

8/6/13

To: Robert Thorpe

Shuri

Shulby Hall

See Lake

Lot - So of
Dulgo Sur

Pipe below lot

W/C No 2 So

George ~~Atas~~
- City said it
was water

We have report from
Welland Bickert &
Site Visit - Says
is water & his well

EXHIBIT 37

Shana Crick

From: Jane Kiker [kiker@ekwlaw.com]
Sent: Tuesday, August 06, 2013 1:41 PM
To: Shana Crick; Deniece Bleha
Cc: Scott Greenberg; George Steirer; Peter Eglick; Fred Schmidt; Kelly Leonard
Subject: RE: Party of Record Request - Coval Property, 3051 84th Avenue SE, Mercer Island

Thank you, Shana. Could you please add my partner, Peter Eglick, to that list, as well? He should receive everything that is sent to me and Fred Schmidt, both paper and electronic. This is to ensure that nothing is overlooked, lest anybody is out of the office when notifications come in.

We appreciate your prompt assistance in this regard.

Cheers,
Jane

Jane S. Kiker
Eglick Kiker Whited PLLC
1000 Second Avenue, Suite 3130
Seattle, WA 98104
(206) 441-1069x3 (t)
(206) 441-1089 (f)
kiker@ekwlaw.com

From: Shana Crick [<mailto:Shana.Crick@mercergov.org>]
Sent: Tuesday, August 06, 2013 1:15 PM
To: Deniece Bleha
Cc: Scott Greenberg; George Steirer; Peter Eglick; Jane Kiker; Fred Schmidt; Kelly Leonard
Subject: RE: Party of Record Request - Coval Property, 3051 84th Avenue SE, Mercer Island

Dear Deniece Bleha,

Dr. Richard Ferse will be included as a party of record for project numbers SUB13-009 and SEP13-031 (Coval Long Plat). We will send any subsequent public notices and decisions related to SUB13-009 and SEP13-031 by mail to Dr. Ferse, Jane Kiker, and Fred Schmidt. We will also send electronic copies of the requested documents via email to Jane Kiker and Fred Schmidt.

Thank you,
Shana

SHANA CRICK, PLANNER

CITY OF MERCER ISLAND DEVELOPMENT SERVICES GROUP
9611 SE 36TH STREET
MERCER ISLAND, WA 98040-3732
PH: 206-275-7732
FX: 206-275-7726
shana.crick@mercergov.org

View the status of permits at www.mybuildingpermit.com

View information for a geographic area at <http://pubmaps.mercergov.org>

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From: Deniece Bleha [<mailto:bleha@ekwlaw.com>]

Sent: Tuesday, August 06, 2013 12:44 PM

To: Shana Crick

Cc: Scott Greenberg; George Steirer; Peter Eglick; Jane Kiker; Fred Schmidt

Subject: Party of Record Request - Coval Property, 3051 84th Avenue SE, Mercer Island

Dear Ms. Crick:

Attached is a Party of Record request. Copy is also being sent via regular mail.

Deniece Bleha

Legal Assistant

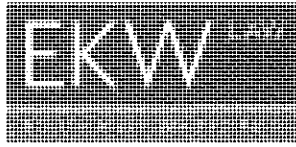
Eglick Kiker Whited PLLC

1000 Second Avenue, Suite 3130

Seattle, WA 98104

(206) 441-1069 ext. 5

(206) 441-1089 fax



Jane S. Kiker
kiker@ekwlaw.com

August 6, 2013

Via E-mail and US Mail
shana.crick@mercergov.org

Shana Crick, Planner
Development Services
City of Mercer Island
9611 SE 36th Street
Mercer Island, WA 98040

RE: Request To Be Included As Parties Of Record Re Property Located at 3051 84th Avenue SE, Mercer Island (Parcel No. 1224049010); "Coval Property"

Dear Ms. Crick:

This office has been engaged by Dr. Richard Ferse, respecting any proposed development of the above-referenced "Coval Property." Dr. Ferse owns property and resides adjacent to the "Coval Property," at 3203 – 84th Avenue SE, Mercer Island, WA 98040. Please include Dr. Ferse and this office (address below) as Parties of Record for all notices, decisions and other determinations regarding zoning, construction, land division, permitting and/or use of the Coval Property.

We further request that you send an electronic copy of any of the above notices, decisions, etc. to my e mail address above as well as to my legal assistant Fred Schmidt, at schmidt@ekwlaw.com.

Sincerely,

EGLICK KIKER WHITED PLLC

A handwritten signature in black ink, appearing to read 'J. S. Kiker', is written over the typed name.

Jane S. Kiker

cc: Scott Greenberg, Development Services Group Director (scott.greenberg@mercergov.org)
George Steirer, Principal Planner (george.steirer@mercergov.org)
Client

Shana Crick

From: TJ Stewart [tj@writestuf.biz]
Sent: Thursday, October 03, 2013 5:53 PM
To: Shana Crick
Subject: Fwd: Coval notes

Follow Up Flag: Follow up
Flag Status: Flagged

Could not send from iPad but my phone works

Tim (TJ) Stewart

Sent from my iPhone

Begin forwarded message:

From: TJ Stewart <tj@writestuf.biz>
Date: October 3, 2013 at 4:42:08 PM PDT
To: "shana.crick@mercerroc.org" <shana.crick@mercerroc.org>, "Sue and TJ Stewart (Writestuf)" <Sue@writestuf.biz>
Subject: Coval notes

• Watercourse/Drainage

- Designations?
- Watercourse Reports (2)

• Adequate Drainage/System Capacity

- Stormwater Detention System (proposed)
- Size larger than adjacent developments
- Capacity on southern private system (3rd is a private lane) - note for construction

• Why No Notice for Critical Areas Determination

- No Action for Buffer Reduction
- 19.15.000 E
- 19.107 - maps are only possible indicator
- City to look into new issue

• South Easement

- Please Don't give away (neighbors)
- City has not stated it will be given away (Fayrer)
- City DOES NOT own Communication Easement
- City wants 20-25' utility Easement (to run)

Big

- Cotton woods to go (neighbors) & South Hedge to stay (neighbors)
- Tree retention is important
- Steep slope: city asked for
- North Hedge Removed

Clarification on cut along

West side, including

Slope Stability analysis, Geotech analysis & recommendations, & other info in Geotech aspects.

- A lot of fill.

• Koi Pond:

- City Requested a more detailed tree plan
- Traffic: Trucks & cars (daily)
Construction
- Noise/Hours: in code
- Ask Developer for detailed schedule

Tim (TJ) Stewart

Sent from my iPhone

Shana Crick

From: Sue Stewart [Sue@writestuf.biz]
Sent: Friday, October 04, 2013 9:57 AM
To: Shana Crick
Subject: Thanks for the meeting
Attachments: UpperLuther Burbank Park--9-16-2013.doc

Shana,

Thank you and your Development Services colleagues for meeting with us this past Wednesday afternoon. We have reviewed your August 30th letter and respect the quality of the demands made on the applicant of SUB13-009.

I have attached a file that documents the birds in Upper Luther Burbank Park – just across the street from the property. Judith Roan is an Audubon Master Birder and she and I have been documenting the birds in the North Luther Burbank Park wetlands for 6 years now. Those monthly documents are sent to Mercer Island Parks staff, Paul West and Alaine Sommargren as well as the Mountains to Sound Greenway Trust staff in order to support grant requests that benefit restoration projects in Luther Burbank Park.

Please note that page 7 has the list of birds and wildlife. I hope this information is helpful.

Best,

Sue Stewart

Sue@WriteStuf.biz

(206) 660-6783 (cell)

(206) 232-7402(home)



VEGETATION PERCENT COVER FORM

Site Name _____
 Recorder(s) _____
 Sampling Date _____
 Time of Visit _____
 Weather _____

Transect Sample Number			
Strata Type			
Bare Soil Cover Class			
Open Water Cover Class			

Species Name	CC	Species Name	CC	Species Name	CC

Comments:

--	--	--

Strata types: HERBaceous = 1 m radius SCRUBshrub= 5 m radius FORESTed= 10 m radius
Cover class: 0 = Trace 1 = 0.5-5% 2 = 6-25% 3 = 26-50% 4 = 51-75% 5 = 76-95% 6 = 96-100%

A botanist is required for this sampling. Vegetation percent cover will be measured at each transect interval (ie A00, A50, A100 etc). At each transect interval the botanist will determine and record the dominant strata type (ie forest, shrub or herbaceous):

Forested strata are those communities that have greater than 30 percent aerial cover of trees 20 feet or taller.

Shrub strata have less than 30 percent aerial cover of trees greater than 20 feet and at least 30 aerial cover of shrubs or trees less than 20 feet in height.

Herbaceous strata are dominated by plants without woody stems and have less than 30 percent aerial cover of trees or shrubs.

Sampling plots are located to the right of the transect interval (when facing away from the baseline). The size of the sampling plot will depend on the strata type. Circular plots are used:

1 meter radius for herbaceous

5 meters radius for shrub

10 meters radius for forested

1. While holding one end of the measuring tape, the recorder walks out one, five, ten meters (depending on the strata type) to the right of the transect line (when facing away from the baseline), perpendicular to the SCT and parallel to the baseline. This puts the recorder at the center of the plot. The botanist then walks around the recorder at the edge of the radius of the sample plot, holding the other end of the tape. Four wire flags can be spaced evenly around the perimeter of the plot to mark its boundaries.

2. The botanist compiles a species list of observed plants within the plot. The recorder writes down the genus/species for each species- starting with the trees, then shrubs, then herbaceous plants. The botanist then determines the percent cover for each species within the plot. The recorder documents the corresponding cover class number (see below) for each species on the Vegetation Percent Cover Form. To determine the cover class for each species, the botanist estimates the amount of ground space in the plot overlain by the canopies of individuals or clumps of that species. Openings created by separated leaves in canopies of species with open growth are not subtracted. The ground space is frequently covered by superimposed layers or plants- an effect caused by the overlapping of different plants (ie shrubs under trees). The cover class is determined without consideration of other vegetation present. Thus the sum of all canopy coverage estimates often substantially exceeds 100 percent. If bare ground or open water are present within the transect plot its percent cover and cover class is determined and recorded.

Cover Class	Percentage
0	Trace
1	.5 to 5 percent
2	6 to 25 percent
3	26 to 50 percent
4	51 to 75 percent
5	76 to 95 percent
6	96 to 100 percent

3. Once a sample plot is completed, the vegetation teams continues sampling along the transect at 50-foot intervals. Once the transect is complete the next is begun.

Notes:

Forested plots and some shrub plots are so big that it is easier to divide it into quarters or halves and determine cover. However, if the plot is divided it is imperative that the totals are revised to properly determine the final cover class number for the entire plot.

All unknown plant species must be identified within two days. Once identified the original plant species list as well as percent cover vegetation form should be revised.

Record any comments in the comment section.



Transect Sample Number			
-------------------------------	--	--	--

Comments:

--	--	--

Cover class: 0 = Trace 1 = 0.5-5% 2 = 6-25% 3 = 26-50% 4 = 51-75% 5 = 76-95% 6 = 96-100%

A botanist is required for this sampling (however, there are fewer invasive species and with proper training a volunteer without a botany background can complete the survey). The invasive plant cover survey is very similar to the vegetation percent cover survey and they can be completed at the same time. Vegetation percent cover will be measured at each transect interval (ie A00, A50, A100 etc).

1. Unlike the vegetation percent cover only a 5 meter radius will be used. While holding one end of the measuring tape, the recorder walks out five meters to the right of the transect line (when facing away from the baseline), perpendicular to the SCT and parallel to the baseline. This puts the recorder at the center of the plot. The botanist then walks around the recorder at the edge of the radius of the sample plot, holding the other end of the tape. Four wire flags can be spaced evenly around the perimeter of the plot to mark its boundaries.
2. The botanist first compiles a list of all the invasive plants located within the plot and records it on the form. Then the percent cover and cover class is determined for each invasive species and noted on the form. To determine the cover class for each species, the botanist estimates the amount of ground space in the plot overlain by the canopies of individuals or clumps of that species. Openings created by separated leaves in canopies of species with open growth are not subtracted. The ground space is frequently covered by superimposed layers or plants- an effect caused by the overlapping of different plants (ie shrubs under trees). The cover class is determined without consideration of other vegetation present. Thus the sum of all canopy coverage estimates often exceeds 100 percent.
3. Once a sample plot is completed, the vegetation teams continues sampling along the transect at 50-foot intervals. Once the transect is complete the next is begun.

Notes:

All unknown plant species must be identified within two days. Once identified the original plant species list as well as percent cover vegetation form should be revised.

Record any comments in the comment section.



FIELD LOG

Site Name Upper Luther Burbank Park
Recorder(s) Judy Roan, Sue Stewart
Sampling Date 9-16-2013
Time of Visit 12 noon-
Weather

Hydrology

#1 #2

Staff gauge reading:

Crest gauge reading:

Photos

Photo #	Photopoint letter/location description	Comments

Wildlife

Time	Common Name	Genus/species (if known)	Number observed	Age Ad/Imm	Sex M/F	Alive Y/N

Comments:

Surprises, problems with equipment, contact info of community members who want more information...

(Use back if more space is needed)

At each monthly field visit:

A bird survey should be completed (at each bird station)

Photos of interest should be taken (and recorded on the field log sheet)

Crest/staff gauge readings should be taken at both gauges (then the cork dust should be flushed down)

Wildlife observations should be recorded

General comments should be recorded

Field log data and bird survey forms should be transferred to the form electronically and emailed to volunteer @mtsgreenway.org

Field log and bird survey sheets should be mailed to:

Mountains to Sound Greenway Trust

911 Western Avenue, Suite 523

Seattle, WA 98104





BIRD SURVEY FORM

Site Name Upper Luther Burbank Park
 Recorder(s) Judy Roan, Sue Stewart
 Sampling Date 9-16-2013
 Start Time 12 noon
 End Time _____

General Comments:

	Please circle one.				
Traffic:			Moderate noise	High noise	
Cloud cover:				100%	
Wind:		Light			
Precipitation:	None				
Temperature (F):				72	

Bird Station #1: Upper Luther	Bird Station #2 : Lid		
Species Name	Species Name		
Red-breasted Nuthatch	3 Crow		
Black-eyed Junco			
Black-capped Chickadee			
Golden-crowned Kinglet			
Hairy Woodpecker			
Downy Woodpecker			
Barred Owl			
Bewick's Wren			
Steller's Jay			
Spotted Towhee			
Song Sparrow			
Winter Wren			
Pileated Woodpecker			
Northern Flicker			
American Robin			
Often seen on Coval property:			
Bald Eagle			
Great Blue Heron			

Wildlife: Deer tracks, Raccoon Tracks and scratching, squirrels

--	--	--	--

Three to ten bird stations (enough for viewing at least 75% of the site) should be established around the site. Stations should be established that enable observers to view as many vegetation communities as possible. They should also be in accessible areas that future observers will be able to return easily. Each station should be coded (B1, B2, B3, etc) and marked with stakes/rebar and flagging tape and GPS readings should be recorded.

Birders must be able to identify birds by both sight and sound. Presence/absence surveys can be done once a month year-round or once a month for a three-month period, preferably during migratory periods (September from November or April through June). Volunteer monitors note the various bird species and do not count each bird.

1. No more than two people can participate in the survey. One must be an experienced birder who can identify birds by sight and sound. The second person can be the recorder.
2. Bird surveys should occur prior to 9:00am and are best conducted within an hour of sunrise. Surveys should not be conducted on days with fog, rain or high winds.
3. At each station, birders should stand quietly for five minutes before starting a ten-minute survey. They can begin filling out portions of the Bird Survey Form while waiting.
4. For 10 minutes, all birds within 100 feet of the station (including those flying overhead within 100 feet of the ground) are identified by sight or call. All observed species are recorded on the Bird Survey Form (see form in appendix).
5. After the 10 minutes have passed, the birders proceed to the next station. They wait five minutes and then begin their 10 minute survey, identifying all birds within 100 feet.

These steps are repeated until the birder(s) have visited each station. The bird surveying can be done over two days.

Calendar of Monitoring Activities

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Field log	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦
Hydrology	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦
Wildlife	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦
Photos of inter.	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦
Birds	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦
Vegetation					♦							
Amphibians		♦	♦	♦	♦							
Photopoints						♦						

EXHIBIT 40

Shana Crick

From: Ruji Ding
Sent: Wednesday, October 23, 2013 12:24 PM
To: Shana Crick
Subject: FW: questions about Coval steep slope

From: Paul Skidmore
Sent: Monday, October 21, 2013 12:20 PM
To: Richard, Deborah Ferse
Cc: Don Cole; Kathy Parker; Ruji Ding
Subject: RE: questions about Coval steep slope

Richard—

I have taken a look at your questions, and unfortunately I am not privy to all of the details and the current status of this project. I have attempted to respond to your questions the best I can, but Don will be able to fill in the gaps when he gets back in the office. Please see my replies below.

Sincerely,

Paul Skidmore
Senior Plans Examiner

City of Mercer Island Development Services
9611 SE 36th Street
Mercer Island WA 98040-3732

p: 206.275.7718
f: 206.275.7726

e: paul.skidmore@mercergov.org

View the status of permits at www.mybuildingpermit.com
View information for a geographic area at <http://pubmaps.mercergov.org/geocortex/essentials/web/Viewer.aspx?Site=MercerIslandPublic&ReloadKey=True>
View application and other zoning information at <http://www.mercergov.org/Page.asp?NavID=361>

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-----Original Message-----

From: Richard, Deborah Ferse [<mailto:drferse@gmail.com>]
Sent: Friday, October 18, 2013 3:47 PM
To: Paul Skidmore
Subject: Fwd: questions about Coval steep slope

----- Forwarded message -----

From: "Richard, Deborah Ferse" <drferse@gmail.com>
Date: Tue, 15 Oct 2013 16:43:22 -0700
Subject: question about Coval steep slope
To: don.cole@mercergov.org

To Don Cole, Building Official, City of Mercer Island

Don;

We met at a meeting a couple of weeks ago regarding the Coval Long Plat. I have the property at the edge of the slope to the S of the Coval property.

I mentioned to you that we built a very heavily engineered wall that extends approx 100 ft. across our property near the crest of the steep slope, for the purpose of replacing a failing railroad tie wall that the previous owner had constructed to hold back erosion and sloughing of the hillside. Our wall was built in 2004 after extensive engineering evaluation by Liu and Associates out of Kirkland and review by the City Engineer. Liu required us to drill down 25 ft.

below the surface of the slope and place steel I beams at 6 ft. intervals and then tie some of those back to the area near our foundation that is approx 25 ft. from the wall. Softball sized, round rocks were found starting about 15' down in many of the holes which caused the builder to have to use cement slurries in the holes to try to keep them from caving in while they were drilling. Not sure if this is relevant to what you have to look at, but the contractor was really upset when he lost most of his profit having to re-drill the holes, some many times.

Of course, this situation is likely quite different than that which is being considered for the Coval development, I mainly bring it up to point out why I have taken a keen interest the project next door. You asked me to feel free to call or write to you during the review process if I had questions or information so.....lucky you.

My questions and concerns center mainly around the risk of the steep slope giving way and some of the Coval land sliding down the hill, possibly taking ours with it. With this in mind, I read your requests to the developer for further geotech research on the slope having to do with the construction loading that would occur after they cut 10-12 ft off the top of the ridge. My reading of the response (my expertise in reading studies is in the medical field, so apologies if I am way off base) suggests that maybe some of the constants or starting points used to compute the Minimum Safety Factors may have changed between the first and second Geotech Report.

The first analysis done June 2013 was done using a boring at B-1 and produced a section A-A'. This analysis produced a Static Safety Factor, unloaded, of 1.64-1.89, depending on depth/soil type. When the study was re-done at your request, the sections were analyzed at E-E', D-D' etc, four in total. The section E-E' is approx 50' N of A-A', (in fact all sections are N of A-A'), so is not directly comparable, but it seems significant to me that the SSF, pre-load again, is so much higher on the new sections (eg. 2.77-2.86 at E-E') almost double that of A-A' 50 ft' away. What would it look like 50' the other way, toward us on the S? The cynical side of me says that it is quite convenient that the pre-load SSF's are much higher when the new study requires that they be loaded. **It is true that soil conditions are variable depending on where the borings and soil samples have been taken. This is typically resolved by having the soils engineer on site during the excavation and drilling to confirm soils are as expected.**

A related question I have has to do with the Seismic analysis. The USGS maps (10%-50 yr.) show the entire area of W. Wash. at risk for having horizontal ground acceleration of .25-30g. However, the Terra Assoc. analysis used 1/2 of that value. Is that standard? It seems that if USGS number were used, the SSF would clearly be well below the 1.1 threshold. **The values used in an analysis are based on the Ss which, for this area, should be about 1.4g and S1 which equates to about 0.5g. After various adjustments are made based on factors such as**

soil stiffness, ductility of the structure, etc. the expected design values for typical conditions will be approximately 1.0g (Sds) and 0.5g (Sd1) for building structures. For soils, there are quite a few more complexities involved in calculating the horizontal seismic coefficient acting on the wall. Not all of the mass of the soil will act in a purely horizontal manner, depending on the dynamic response of the wall and the properties of the soil itself. For typical cohesive soils, 0.12 appears to be appropriate. Suffice to say, we will review the geotechnical report to verify the validity of their design assumptions in more detail during the permit review process.

On the proposed plat maps submitted Oct. 2013, the trees that are to be removed are clearly marked. I couldn't help but notice that the 3 largest trees on the steep slope on proposed lot 10 are to be removed near or just below the proposed 254' pad elevation at the edge of the cut. These trees (7216-a 32" fir, 7188- a pair of 24" madronas, and 7123, omitted from the list of trees to be removed, but which looks like a large maple from here), if they are rooted anything like those on our part of the slope, are major factors in stabilizing the slope and preventing significant erosion. There will then be no trees over 6" diam. above 238', 16' below the pad elevation, on lot 10. I'm forwarding this email on to Kathy Parker, our arborist, who is better qualified to answer this specific question.

As to the drainage from lots 10-13, it appears that infiltration trenches will handle most of the roof/downspout water. These are analyzed based on test pits 1-4 dug to a max. depth of 9'. Since the pad will be graded down to 254' at lot 10, for example, the pits actually did not go down very far below the new grade and showed silting that may make for less than optimal infiltration. The prelim.

"Grading and Drainage Plan" drawing shows the lot 10 infiltration trench adjacent to the wall and gravel pathway above lot 9. Is this stable and safe? I'm forwarding this email on to Ruji Ding, our engineer, who is better qualified to answer this specific question. In regards to the stability of 4' high rockery, the infiltration pit is typically filled with gravel that should provide sufficient passive pressure to resist any sliding of the rockery that may occur.

One final question: did you mention anything about this application to the fellow from King Co. that you met with about a request for a permit to do some work on the apartments below the Coval slope? You were meeting him the day after our neighborhood meeting with Staff, on Oct. 2. and mentioned that to me when I asked you if the County was aware of the Coval application. I got the impression you agreed that the County (owners of the apartments) should be aware of a request to build above them so they could have some input if they chose. I'm forwarding this email on to Don Cole, our Building Official, who is better qualified to answer this specific question.

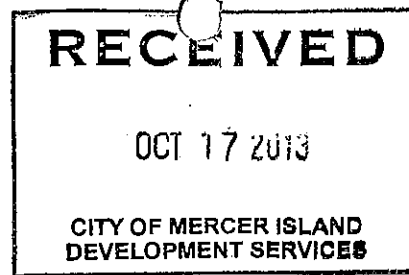
Thank you very much for being attentive and helpful at our meeting.

If you can't answer me for a few days, could you quickly acknowledge receiving this? I will send a formal comment to the City as a Party of Record after I hear back from you so they (and you) don't have to deal with all these questions again, especially if I am barking up the wrong tree, as it were.

Thanks again. Sincerely; Richard Ferse 3203-84TH AVE SE, M.I.

October 16, 2013

EXHIBIT 41



City Staff
City of Mercer Island, WA

Re: Statement of Concern Regarding the Coval Long Subdivision, File No. SUB13-009

I am a home owner north of the Coval property and I am concerned about the number of houses planned for the site. The construction project alone will bring numerous trucks and heavy equipment up and down 84th Avenue SE, to move dirt and bring in fill. Once built, the density is almost twice that of a comparable property (formerly owned by the Donohue's) located between SE 28th and SE 29th where there are 9 houses and one undeveloped lot.

The development will bring more people, more traffic, more noise, and more ambient light to the neighborhood. The developer estimates 40 plus people and makes no mention in the SEPA checklist of accommodations for road improvements or additional utilities for the heavier demands on power, water, and sewer. There will be additional vehicles using 84th Avenue SE, which is a designated bicycle route and is also frequently used by pedestrians and runners. There does not seem to be any arrangement for parking in the development for visitors, and parking along 84th Avenue SE is extremely limited since there is no shoulder.

I understand this development is the largest on Mercer Island in over 25 years. The surrounding neighbors whose quality of life will be affected by it should be able to have input into the planning so that a solution supported by the neighbors and the developer can be found.

My request would be to decrease the number of houses to be built, plan for road improvement, keep the trees and shrubs which shield the neighbors from the site and which stabilize the steep slopes, and accommodate the increased water runoff resulting from the high percentage of impervious surfaces.

Please consider me a Party of Record with regard to this and other issues related to File No. SUB13-009.

Thank you for your consideration.

A handwritten signature in cursive script, appearing to read "Toni Okada".

Toni Okada
2909 84th Avenue SE
Mercer Island, WA 98040

EXHIBIT 42

October 17, 2013

Shana Crick
Development Services Group
City of Mercer Island
9611 S.E. 36th Street
Mercer Island, WA 98040

Re: Coval Property Development Sub13-009; Coordination of Private Utilities with City regarding Tree Removal

Dear Ms. Crick

I would like to thank the Mercer Island City staff for meeting with the group of interested neighbors on October 2nd to discuss the Coval property development. As a result of that meeting and reviewing the developer's October 7th submission I have additional questions and concerns.

During the meeting there was discussion about planned and unplanned tree removals as have occurred in the course of other development projects. I think we were all surprised to learn that the City has no control over the actions of private utility companies when they are burying cables and that this was why some important trees that were to have been saved were "inadvertently" lost in a nearby development some years ago. The Coval property Tree Plan is proposing the removal of close to 200 trees over 4" in diameter and the SEPA checklist states that "the site will be stripped of existing vegetation.... although several of the existing trees will be retained". We would like to encourage the City to take any measures necessary to force pre-planning and coordination between the City, the developer, and private utility providers to ensure that any excavation for the purpose of burying utility lines neither damages the root systems of the few remaining trees, nor removes trees in the path of utility lines. I am not alone in being disappointed that the overall proposal is removing over sixty percent of the trees on the property which will reduce the canopy, impacting the remaining trees; eliminate natural habitat for the wide variety of birds in the area; and reduce the infiltration capacity of the soil, increasing storm water run-off. We hope that the City will take all possible measures to ensure that only those trees approved for removal be taken.

Please consider me as a Party of Record with regard to this project for this and other issues. Thank you for your consideration.

Sincerely,



Linda Chaves
8265 S.E. 30th Place
Mercer Island, WA 98040

EXHIBIT 43

To City Staff re: Land Use and Fire Access

I am writing to request a consideration of some issues raised by PacLand's Oct. 7, 2013 response to the City of Mercer Island's Notice of Incompleteness, dated Aug. 30, 2013

Developer's response to Fire request for 26' road is to reduce it from 24' to 20'. A 20' lane is adequate for two vehicles passing, marginal if one or both are trucks. This assumes there is no parking on the road. A 20' road is the minimum required for 3 homes. It may not be adequate for 18 homes. The road, as configured on the preliminary plat, dated 10/7/13, would require that all trucks, including garbage and other very large, heavy trucks would have to drive to the end of the road and turn around by backing into the "Y". They would effectively block the road in doing so.

School buses, as well as mail delivery, would presumably use the proposed 8' gravel shoulder on 84TH, which is itself quite narrow, and marginally safe when partially blocked by the frequent school buses, utility and delivery vehicles, etc. 84TH currently receives heavy use by pedestrians and bicycles. It has also become parking for the trail system on Upper Luther Burbank Park, such that the E side of the street is often partially blocked by increasing numbers of vehicles attempting to park with one wheel on the narrow shoulder. This situation currently poses significant risk to the various types of pedestrian and vehicular traffic that is congested at the various points of incursion onto the roadway. Add to this the stops on the W shoulder required to service a development of 18 large homes, eg. stops for mail delivery and pickup by residents, and the fact that this shoulder effectively becomes the overflow parking for visitors to the 18 homes and 84TH becomes very congested and unsafe. Taxpayers will then pay for a widening of 84TH when it becomes clear that it is not safe.

Since there would effectively be no parking on the new private road, it would be expected that cars would be parked along the pedestrian easement, either by using it as a parking strip or by using it as part of a driveway parking arrangement, blocking the walkway at right angles. The pavement on the pathway will quickly break down under these conditions and the pathway will be effectively unusable as a safe walkway, even when not blocked by parked vehicles.

A final point, raised by Don Cole, involves a request by him for a reinforcement of paving on 84TH along the frontage of the property. Developer's response is that the existing pavement appears to be in good condition. That may change. The proposed minimum movement of fill onto the property is 4,000 cubic yards, or about 400 very heavy truckloads. Add the thousands of trips by various construction vehicles and the entire length of 84TH will require considerable repair at taxpayers expense, especially given the conditions noted in the paragraphs above.

Please consider me a Party of Record with regard to this and other issues related to the above File No. Thank you very much for your consideration.

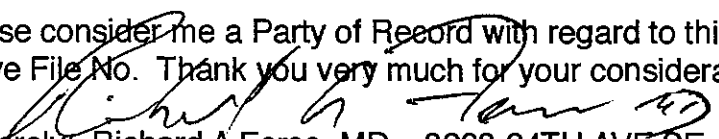
Sincerely,  Richard A Ferse, MD 3203-84TH AVE SE Mercer Island

EXHIBIT 44

To Shana Crick, MI Staff
re: Coval Long Plat Application

Shana; I would like to thank you for "hosting" our neighborhood meeting with the Staff on Oct. 2 and providing a lot of good information. We also appreciate that you stayed after the meeting to answer more questions.

Neighbors, and other citizens of MI, continue to follow the progress of this application which, of course, generates lots of additional questions. I have a couple of concerns that I would like to address to you and, maybe, Patrick Yamashita and Ruji Ding as well.

From the Aug. 30 Notice of Incompleteness to Developer:

Engineering comment #4 "Looping an 8 inch ductile iron water pipe main through the Long Plat between the City water main on 84TH AVE SE and 32ND ST., in a manner that minimizes the use of bends, avoids trees, crosses utilities at 90 degree angles, and allows long term access to the main." Developer response: "The proposed water main has been revised to loop from the existing main in SE 32ND St. to the existing main in 84TH AVE SE."

My question has to do with access. SE 32ND is a private road to our neighborhood and there appears to be no easement that extends from 32ND to the Coval Property for this purpose. Patrick has made this comment on a couple of documents. Can the City request that Developer connect to our water main without an easement? Does the Developer come to our neighborhood to request an easement? This is of concern to us as more than a technicality because of the obvious impact on our water supply that would result. Shutoffs, pressure changes, possible silting and/or contamination, blocking of our roadway and digging on our property are just some of the potential impacts of this access. We would request that these impacts be mitigated even if there is, in fact, an easement to our water main on 32ND. This issue has not been addressed on the SEPA checklist or any other document that I am aware of. Additionally, there appear to be some differences of opinion within the City Staff as to the advisability of "looping" 32ND to 84TH. In a 7/30/13 communication, Terry Smith made the comment that with a single feed from 84TH, with a blow off at the end of the main, "the water quality would be superior to that of a loop system". He also noted that 2 segments of the main running on 2 separate easements were an issue to him and that using a proposed fire hydrant as a blow off "would allow for superior water main flushing...." These seem like sensible suggestions that would take us "out of the loop" as it were, and avoid many of the impacts to existing homeowners and the potential resulting controversy over easements and mitigation of impacts.

Another, related, issue has to do with the City's access to the proposed 25 ft. utility easement along the S side of the proposed plat. Neighbors on 32ND would like to request that the City clarify how it plans to access the proposed 25 ft. easement for maintenance and other purposes. The developer made the argument that a ROW is not required on the plat since there is access from 32ND, but it would appear that access would be through lots 3-10 of the proposed plat. Please clarify. Also, it says on the plat

application maps that the 30' private utility (communication) easement on the S boundary is to be abandoned. Does the City know if this has occurred?

This is somewhat unrelated issue, but is there anything in the plat plan that precludes our neighborhood to the S from erecting a fence (assuming it conforms to MICC) between our property and the proposed plat? There is currently a low split rail fence located approximately along the border.

I, and other neighbors and interested citizens, have many more questions and concerns related to this plat application which shall be addressed in other letters. These will have to do with slope, drainage, and trees, as well as several other items on the SEPA checklist. We would hope to have an opportunity to comment before the City accepts the SEPA -required responses provided by the applicant. We look forward to a continued dialogue with the City as this application continues to be examined.

Thank you very much for your help on these matters.


Sincerely; Richard Ferse 3203-84TH AVE SE

EXHIBIT 45**RE: Communications easement on the Coval property**

Shana Crick

To: 'Sue Stewart'
Sent On: Tuesday, October 22, 2013 6:28:34 PM
Archived On: Tuesday, October 22, 2013 6:28:58 PM
Identification Code: eml:663e9143-d415-49dd-9906-4e0abc53b0ed-2147428448
Folders: Sent Items

Will do. Thanks!

SHANA CRICK

SENIOR PLANNER

CITY OF MERCER ISLAND DEVELOPMENT SERVICES GROUP

9611 SE 36TH STREET

MERCER ISLAND, WA 98040-3732

PHONE: 206-275-7732; FAX: 206-275-7726

shana.crick@mercergov.orgView the status of permits at www.mybuildingpermit.comView information for a geographic area at <http://pubmaps.mercergov.org>View application and other zoning information at <http://www.mercergov.org/Page.asp?NavID=361>

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From: #Vxh#Vwhz duw#^p dlor=VxhC z ulhvwilel} \#
Sent: #Wxhvgd|/#R fwrehu#55/#5346#9=5; #SP
To: #Vkdqd#Fulfn
Subject: #UH=#Fr p p xqlfdwlrqv#hdvhp hqw#rq#kch#Frydc#surshw|#

Thanks, Shana,

Good to know you can include it in the current letter.

Sue

From: #Vkdqgd#Fulfn#`p dlow=Vkdqgd1FulfnC p hufhujrylrui`#
Sent: #Wxhvvd|/#R fwrrehu#55/#5346#6=88#SP
To: #Vxh#Vwhz duw*
Subject: #UH=#Frp p xqlfdwlrqv#hdvhp hqw#rq#kch#Frydd#surshuw|#

I'm going to include your question in my comments to the applicant for my review of this round of revisions. Wes will get my letter today or tomorrow. Feel free to contact Wes separately if you prefer. I don't see anything in the title report that specifies an easement granted to Century Link. However, there was a right-of-way permit granted to Century Link in July 2013 to install fiber optic cables in the public right-of-way in various locations throughout the City.

SHANA CRICK

SENIOR PLANNER

CITY OF MERCER ISLAND DEVELOPMENT SERVICES GROUP

9611 SE 36TH STREET

MERCER ISLAND, WA 98040-3732

PHONE: 206-275-7732; FAX: 206-275-7726

shana.crick@mercergov.org

View the status of permits at www.mybuildingpermit.com

View information for a geographic area at <http://pubmaps.mercergov.org>

View application and other zoning information at <http://www.mercergov.org/Page.asp?NavID=361>

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From: #Vxh#Vwhz duw#^[p dlow=VxhC z ulhvwxiel](#) `#
Sent: #Wxhvgd | /#R fwrehu#55 /#5346#6=57#SP
To: #Vkdqd#Fulfn
Subject: #UH=#Frp p xqlfdwlrqv#hdvhp hqw#rq#kch#Frydc#surshw| #

Thank you, Shana

Your description with recording numbers will help a lot.

So I should ask Wes Giesbrecht about the status of this request? Or should I call AT&T?

It is interesting that I saw Century Link team pulling cable through the manhole cover on 84th this summer and a locator person was there at the same time painting orange paint on the north edge of our private lane and the grassy public easement area. Perhaps there are two different communication lines? Are you aware of the location of a Century Link fiberoptic line as well as AT&T?

Thanks,

Sue Stewart

From: #Vkdqd#Fulfn#^[p dlow=VkdqdIFulfnC p hufhujrylruj](#) `#
Sent: #Wxhvgd | /#R fwrehu#55 /#5346#6=3<#SP
To: #Vxh#Vwhz duw*
Subject: #Frp p xqlfdwlrqv#hdvhp hqw#rq#kch#Frydc#surshw|

Dear Sue,

I received your voicemail earlier today regarding the abandonment of a 30 foot wide communications easement on the Coval property (recording number 3758636). The applicant has noted on the plat that the 30 foot wide private communications utility easement will be abandoned. The easement was granted to Pacific Telephone and Telegraph Company, which no longer exists. However, it appears that AT&T has purchased parts of the Pacific Telephone and Telegraph Company. The applicant will have to contact AT&T (or the current grantee) and determine whether the grantee is amenable to extinguishing the easement. If the grantee will not allow for the easement to be extinguished or abandoned, the easement will remain. MICC 19.02.020(F)(2) states that "no structure shall be constructed on or over any easement for water, sewer, storm drainage, utilities, trail or other public purposes unless it is permitted within the language of the easement or is mutually agreed in writing between the grantee and grantor of the easement." Structures are not specifically allowed within the language of the easement, so staff could not allow for structures over the easement. However, the 30 foot easement coincides with the City's requested 25 foot easement. Therefore, the applicant would have to move the southern lot lines of the proposed building pads five feet to the north. No action is needed by the City Council and this is not related to the 25 foot public utility easement requested by the City.

Thanks,

Shana

SHANA CRICK

SENIOR PLANNER

CITY OF MERCER ISLAND DEVELOPMENT SERVICES GROUP

9611 SE 36TH STREET

MERCER ISLAND, WA 98040-3732

PHONE: 206-275-7732; FAX: 206-275-7726

shana.crick@mercergov.org

View the status of permits at www.mybuildingpermit.com

View information for a geographic area at <http://pubmaps.mercergov.org>

View application and other zoning information at <http://www.mercergov.org/Page.asp?NavID=361>

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EXHIBIT 46

Storm Drain concern

tim.stewart

To: shana.crick@mercergov.org
CC: tj@writestuf.biz ; Sue@writestuf.biz
Sent On: Thursday, October 24, 2013 12:35:50 PM
Archived On: Thursday, October 24, 2013 12:35:12 PM
Identification Code: eml:663e9143-d415-49dd-9906-4e0abc53b0ed-2147423424
Folders: Inbox
Attachments: [image001.png \(8 KB\)](#)
[To City of Mercer Island storm water.docx \(14 KB\)](#)

Good afternoon Shana

First, thank you and the staff for meeting with our neighborhood on October 2nd 2013. The meeting was informative for everyone and very illuminating.

I am sending this from my work location and you can reply to all if you so need to.

I have prepared a quick memo (attached) that is more informative about our neighborhoods concerns about the storm drain system as it is today and what it might be when the Coval development moves forward. This is adding more information to the points raised at our meeting as I think it is very important for everyone to understand.

Please let me know if you would like to see the property and better understand how the storm water system currently works.

TJ Stewart



Tim Stewart, CFO---Performance Radiator---1101 Airport Way South, Seattle WA 98134

Direct line 206-219-5104, Cell 206-660-7045 Seattle

Tacoma, Fridays only 253-471-4203 x 148

Tim.Stewart@Performanceradiator.com

www.performanceradiator.com

To City of Mercer Island (DRAFT)

Subject Coval property project and update of neighborhood meeting of 10/2/2013

Shana

Several weeks have passed since our last meeting with the city concerning the Coval property project. We brought up several major concerns about the development but I wanted to add more information about the storm water drain system. The neighborhood on 32nd street has been using this storm drain system for 35 plus years which has been in existence for many more years.

The storm drain retention system located on the 32nd street is shared by 5 houses and consists of two vaults to contain storm water and are connected by a corrugated steel culvert approximately 4 to 5 feet in diameter. This culvert runs north and south (approximately 150 feet in length) between the houses at 3205, N & T, and JJ and DG. The culvert has an opening at the southern most end located in the Bergs Family horse pasture. At the south west corner of 3205 property there is a small vault to capture street run off from D & G and N & T houses. There is a larger vault at the north east corner of 3205 which captures water from the run off of D & D house, 3205 and J & J.

The large vault at the north section of 3205 has over flowed in the past once several months ago due to a cotton wood root that over the years had grown into the outlet pipe of the north vault. Several other times when leaves block the drain grid we had back up problems. However the most severe was when the cotton wood root blocked the outlet pipe of the vault. This caused flooding on 32nd street that reached our property and J&J's property. A water build up on 32nd street was at least 3" to 5" deep and 20 plus feet in diameter.

I personally inspected what was causing the problem on the Coval property and discovered what appeared to be several springs perking up through the ground covering the distance from the Coval south property line north to the pipe outlet due to the pipe blockage. I also discovered that the outlet pipe had been covered with soil and debris over several years so a small road could pass over the outlet pipe (about 8 to 10 feet wide, running north and south).

The Coval's and Stewart's uncovered the outlet pipe to the vault and pulled the root out of the concrete culvert. Because water was perking out of the soil at the top my concern is the outlet pipe may have breaks in it which will cause future water problems if there is any kind of blockage. The concrete culvert outlet pipe is about 6" to 8" in diameter. It is located about 8 to 10 feet below the surface of 32nd street. This is one of the low points of the drainage trench running south to north. However, the lowest point is at the north boundary of the Coval property where the water runs down between several (water course easement) properties and ultimately reaches Lake Washington.

Knowing where this outlet pipe is for our retention vault on 32nd street is very important to this project as it must be maintainable all the way through the Coval property as it is today. I don't know how many houses will be tight lined into this storm system or the amount of water coming off of the drive ways

and streets, but there will be more water flowing through this system than has ever been experienced in the last 100 years due to less pervious soil.

It is my understanding that the storm water vault in the drawings we have seen for the Coval project will now drain into the ditches running on the west side of 84th Avenue SE. My only question here is where the vault is going to be located is on ground at almost an equal level to 84th Avenue SE. I can understand when the vault fills with water that the top part would drain okay, but what about the water retained in the lower section of the vault how would it ultimately empty/drain?

If you or another city planner would like to see the outlet pipe I am referring to and get a close view of our concerns Sue or I would be happy to show you any time in the near future. Please note that the PVC corrugated pipe referred to in the drawings is a temporary fix and was placed there by the Coval's and is butted up against the concrete 6" to 8" diameter culvert pipe.

TJ and Sue Stewart

EXHIBIT 47**RE: Storm Drain concern**

tim.stewart

To: Patrick.Yamashita@mercergov.org
CC: Shana.Crick@mercergov.org ; Ruji.Ding@mercergov.org ; tj@writestuf.biz ; sue@writestuff.biz
Sent On: Tuesday, October 29, 2013 9:08:34 AM
Archived On: Tuesday, October 29, 2013 9:09:02 AM
Identification Code: eml:663e9143-d415-49dd-9906-4e0abc53b0ed-2147413929
Folders: Inbox
Attachments: [image001.png \(8 KB\)](#)

Thanks Patrick. This is helpful

Tim



Tim Stewart, CFO---Performance Radiator---1101 Airport Way South, Seattle WA 98134

Direct line 206-219-5104, Cell 206-660-7045 Seattle

Tacoma, Fridays only 253-471-4203 x 148

Tim.Stewart@Performanceradiator.com

www.performanceradiator.com

From: Sdwulfn#\dp dvk lwd#\p dlwr=Sdwulfn1\dp dvk lwdC p hufhujrylruj '#
Sent: #Wxhvgd|/#R fwrehu#5</#5346#;=64#DP
To: #wlp lvwhz duwC shuirup dqfhudgldwrulfrp *
Cc: #Vkdqgd#Fulfn>#Uxm#G lqj>#*nC z ulhvwxiel}>#*vxhC z ulhvwxiel}*
Subject: #UH=#Vwrup #Gudlg#frqfhuq#

Tim,

I've added my comments/responses within your email below using italicized text in brackets.

Patrick

From: wlp lwzhz duw#^p dlor=wlp lwzhz duwC shuirup dqfhudgldwruifrp '#
Sent: #P rggd|/#R fwrehu#5 ;/#5346#44=4 ;#DP
To: #Sdwulfn#\dp dvkld>#wC z ulhwvxiel}>#vxhC z ulhwvxiel}
Cc: #Vkdqd#Fulfn>#Uxm#G lqj
Subject: #UH=#Vwrup #Gulq#Frqfhuq#

Thanks Patrick

We do maintain the storm drain system and storm water does flow through the outlet pipe correctly and forms a stream that runs north through the Coval property. My concern with the developer is that they plan to cover this drainage deep trench with dirt to level the property for the building of houses. If they are to maintain the conveyance of this existing runoff then we should be ok. On the drawings this drainage area is shown as an easement that they cannot build on. Who makes sure the drainage system for our storm water is properly installed so our storm water continues to run north through the Coval property. *[The City reviews the engineering design and inspects the construction of the stormwater system that will convey stormwater from the south across the Coval site to their north property line].* If they place a pipe in the ground that runs from our outlet to the north boundary of the Coval property and this is under 8 to 10 feet of dirt, how will it be maintained so there is not a future blockage. *[It would be the responsibility of the owners within the proposed plat].*

It seems to me the City of Mercer Island should make sure the storm water is properly handled by the developer. My talking to the developer will not assure the drainage system is properly handled. *[My suggestion to talk with the developer was not primarily for the purpose of making sure that the drainage is properly handled but rather, for you to share what you know about the history of the drainage, especially past blockages. Communication is always helpful.]* During the rainy months the vault fills with water and the storm water runs out the outlet pipe on the Coval property and forms a continuous stream of water partially absorbed in the ground and some taken up by trees and vegetation. Water does reach the north boundary of the Coval property and continues down to Lake Washington.

Tim



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Direct line 206-219-5104, Cell 206-660-7045 Seattle

Tacoma, Fridays only 253-471-4203 x 148

Tim.Stewart@Performanceradiator.com

www.performanceradiator.com

From: #Sdwulfn#\dp dvk lwd#`p dlowr=Sdwulfn1\dp dvk lwdC p hufhuj rylruj`#
Sent: #P rggd|/#R fwrehu#5;/#5346#43=58#DP
To: #wlp lwhz duwC shuirup dqfhudgldwrlfrp *>#wnc z ulhvwxiilel}>#vxhc z ulhvwxiilel}*
Cc: #Vkdqd#Fulfn>#Uxm#G lqj
Subject: #UH=#Vwrup #Gulq#frqfhug#

Mr. & Mrs. Stewart,

Shana Crick asked to respond to your letter emailed to her on October 24, 2013 regarding storm drainage. In your letter, you provided information about your existing stormwater detention and drainage systems. You also asked a question about the proposed Coval site stormwater (detention) vault. I'll respond to this question first.

You were concerned that based on the ground elevation near the proposed vault, the lower section of vault may not be able to drain to the system in 84th Ave. SE. The developer's civil engineer will be responsible for designing a system that will work. The vault will be able to drain completely based on the elevations provided on the conceptual design and we will make sure that it works as they formalize their design.

You also shared information regarding your detention system and outlet pipe. Based on your explanation, it sounds like the discharge pipe from your detention system has been obstructed in the past both from Cottonwood tree roots and soil/debris. I've checked our records to see if your outlet pipe onto the Coval property has an easement or not. I didn't find one but you may have a record of one that we don't have. If so, it would be great to get a copy to add to our maps. Our records indicate that your system is fairly old and is private. I'm not sure if you maintain it regularly or not. If you don't, you may want to make sure that it is clean and functioning properly. I would encourage you to speak with the developer in regards to the problems you've had with the outlet pipe and your past coordination with the Covals to remove the tree roots and other debris. This will help them to know the history of that drainage pipe and allow you both to work together on a solution

if a problem exists today. Please note however that their responsibility regarding storm drainage is that they must properly manage the stormwater they generate from the site and maintain the conveyance of any existing runoff that crosses their site. Their conceptual drainage plans reflect this.

Thank you for your inquiry.

Patrick Yamashita

City Engineer

City of Mercer Island

206.275.7722 phone

206.275-7726 fax

www.mercergov.org

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From: #wlp lvwhz duw#^p dlor=wlp lvwhz duwC shuirup dqfhudgldwrulfrp `
Sent: #Wkxuvgd | /#R fwrehu#57/#5346#45=69#SP
To: #Vkdqd#Fulfn
Cc: [wC z ulhvwxiel\](#) >[VxhC z ulhvwxiel\](#)
Subject: #Vwrup #Gudlg#frqfhug

Good afternoon Shana

First, thank you and the staff for meeting with our neighborhood on October 2nd 2013. The meeting was informative for everyone and very illuminating.

I am sending this from my work location and you can reply to all if you so need to.

I have prepared a quick memo (attached) that is more informative about our neighborhoods concerns about the storm drain system as it is today and what it might be when the Coval development moves forward. This is adding more information to the points raised at our meeting as I think it is very important for everyone to understand.

Please let me know if you would like to see the property and better understand how the storm water system currently works.

TJ Stewart



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Tim.Stewart@Performanceradiator.com

www.performanceradiator.com

EXHIBIT 48

Coval applications - Letter to City of Mercer Island

Rick Aramburu

To: shana.crick@mercergov.org
CC: katie.knight@mercergov.org
Sent On: Thursday, November 07, 2013 3:30:21 PM
Archived On: Thursday, November 07, 2013 3:31:42 PM
Identification Code: eml:663e9143-d415-49dd-9906-4e0abc53b0ed-2147386376
Folders: Inbox
Attachments: [2013-11-7 COVAL ltr to MI.pdf \(188 KB\)](#)
[2013-11-7 Exhibit A - CAD Application 2013-4-2 CAO 13-002.pdf \(773 KB\)](#)
[2013-11-7 Exh B - Critical Areas Determination 6-18-13.pdf \(3.83 MB\)](#)

Please consider the attached letter in regard to the Coval applications.

J. Richard Aramburu

ARAMBURU & EUSTIS, LLP

720 Third Avenue

Pacific Building Suite **2000**

Seattle, WA 98104-1860

Telephone (206) 625-9515

Facsimile (206) 682-1376

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ARAMBURU & EUSTIS, LLP

Attorneys at Law

J. Richard Aramburu
rick@aramburu-eustis.com
Jeffrey M. Eustis
eustis@aramburu-eustis.com

720 Third Avenue, Suite 2000
Seattle, WA 98104
Tel 206.625.9515
Fax 206.682.1376
www.aramburu-eustis.com

November 7, 2013

Shana Crick
Planner
City of Mercer Island Development Services Group
9811 S.E. 36th Street
Mercer Island, Washington 98040

Re: CAO 13-002, Coval Property at 3051 84th Avenue SE

Dear Ms. Crick:

This office represents Dr. Richard and Deborah Ferse, 3203 84th Ave. S.E., and Linda Chaves, 8265 S.E. 30th Place on Mercer Island. My clients have asked me to write concerning development applications for the 5.1 acre Coval property identified above.

We understand that the City has received applications for development at this location, including an application for a Critical Area Determination and for a Preliminary Plat for 18 lots on the property. For the reasons stated below, we believe that any consideration of a preliminary plat is premature because of the failure of the City to follow established procedures for the Critical Area Determination.

I. CRITICAL AREA DETERMINATION.

Mercer Island City codes allow a property owner to seek a "Critical Area Determination" as to the existence or extent of critical areas such as watercourses or wetlands. The decision authority for a Critical Area Determination is outlined in the Mercer Island Unified Land Development Code (in the Mercer Island Municipal Code or "MIMC") at Section 19.15.010(E).

Under the section Chapter 19.07 of the Mercer Island Municipal Code, a Critical Area Determination requires public notice:

19.07.020 General provisions.

...

B. Public Notice – Critical Area Determination. A critical area determination

requires public notice pursuant to MIMC 19.15.020(E) and this action may be appealed to the planning commission.

This is confirmed by Section 19.15.010(E) which reiterates the foregoing. Under MIMC 19.15.020(E)(2), public notice "shall be provided 10 days prior to the decision on the application." Notice is to be mailed to "all property owners within 300 feet of the property and posted on the property." MIMC 19.15.020(E)(4)(a). The notice shall describe the action to be taken by the City. MIMC 19.15.020(E)(3(a). Persons who comment on the proposal are entitled to notice of the decision made on the application and an appeal may be made to the Mercer Island Planning Commission within 14 days of the date of the decision.

The Covals, the owners of the property at 3051 8th Avenue S.E. filed a "Development Application" for a Critical Area Determination on April 3, 2013 and paid the City a \$2,073.39 application fee. In a letter attaching the application, the applicant's "Project Manager" Scott Borgeson indicated the applicant intended to construct a "single family residential development" on the parcel. These application materials are attached hereto as Exhibit A. The letter went on to say that although the City's Watercourse Type Map indicated a type 2 watercourse on the west side of the property, it was "our opinion that no such watercourse exists." The letter concluded that:

We are seeking confirmation that the city agrees with this determination so that we can proceed with preparing preliminary plat application documents based on the site development plan.

In the Critical Area Determination application, just above the property owner's signature, a complete description of the required public notice, processing, decision notice and appeal provisions was set forth, as follows:

PUBLIC NOTICE AND REVIEW PROCESS: Critical Area Determinations require public notice in the City Permit Bulletin. The City will provide the applicant a public notice sign to post on the site (subject to a refundable deposit) and will mail the notice to all property owners within 300 feet of the subject property following the Determination of Completeness. The public may provide written comments on the proposal for a minimum of 14 days prior to the decision. A Notice of Decision will be mailed to the applicant and anyone who provides written comments on the proposal. Critical Area Determination decisions may be appealed to the Planning Commission. Appeals must be filed within 14 days following issuance of the Notice of Decision as provided in MIMC 19.15.020(J).

Despite these clear procedures, neither the applicant nor the City provided public notice to nearby residents or other interested parties; no public notice sign was posted on site and there was no mailing to property owners within 300 feet. We have also reviewed the Mercer Island Weekly Permit Bulletins from April 3 to the present and have found

no notice of the Critical Area Determination application, processing or decision.

In our review of City documents, we found that city staff did hire a consultant (The Watershed Company) to provide peer review of the applicant's proposal and prepare a report. Public records show considerable communication between the staff and the applicant on the subject of the Critical Area Determination. Again there was no notice that the City was undertaking review and no opportunity for the public to review the available reports and comment on them.

Eventually, the City made a "Critical Area Determination" which was sent to the applicant on June 18, 2013. A copy of that letter is attached as Exhibit B. The letter describes extensive communications and meetings with the applicant and the applicant's consultant, but does not reference any public notice. The Critical Area Determination stated:

...it can be concluded that the Type 2 watercourse shown on City maps does not meet the definition of "watercourse" pursuant to MIMC 19.16.010(W), and consequently will not be regulated as such.

No notice was given of the City's Critical Area Determination to nearby neighbors and no record of the City's decision is found in the Weekly Permit Bulletin.

In summary, at no time during the application review process did the city staff issue the required public notices that it had received an application, that it was considering the matter, that it was about to make a decision or that a decision had been made. The practical effect of the failure to provide notice was to deny adjoining neighbors the opportunity to comment on this important subject, a right accorded by city code. It made the critical area determination essentially a private matter between city staff and the applicant.

In addition, adjoining owners both above and below the watercourse designated by the City are directly impacted by the city action by possible changes in water flows. Because these actions may impact their property rights, these adjacent persons are entitled to notice of governmental decisions that may affect their property, under such authority as *Olympic Forest Products, Inc. v. Chaussee Corp.*, 82 Wash. 2d 418, 422, 511 P.2d 1002, 1005 (1973):

The fundamental requisites of due process are "the opportunity to be heard," *Grannis v. Ordean*, 234 U.S. 385, 394, 34 S.Ct. 779, 58 L.Ed. 1363 (1914), and "notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections," *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314, 70 S.Ct. 652, 657, 94 L.Ed. 865 (1950).

Property owners impacted by the City's decision are entitled under due process standards to notice of actions that permit major modification of the watercourse adjacent to their property. No such notice was given.

The City needs to take appropriate steps to assure that consideration of the Covals' Critical Area Determination application is consistent with not only Mercer Island codes, but also due process. These steps should include the following. First, rescind the June 18, 2013 Critical Area Determination. Second, provide public notice of the application for the Critical Area Determination as required by the MIMC codes to property owners within 300 feet and by posting on the site. Third, allow a minimum of 30 days for adjoining owners and the public to provide comments on the application for the Critical Area Determination. Fourth, provide notice of any decision on the application for a Critical Area Determination to those that comment on the application. Fifth, accept appeals to the Planning Commission of any Critical Area Determination decision that is made.

We certainly anticipate that the applicant will object to the foregoing remedial procedures. However, the applicant, represented by experienced land use counsel, was well aware of the required procedures and chose to proceed without compliance with them. Washington caselaw makes clear the developer is not entitled to special consideration under such circumstances:

Defendant started the project with full awareness that there were multiple, serious legal obstacles and cannot now claim relief simply because money was expended in the face of an awareness it might not have a legal right to proceed.

We have not been persuaded in the past that because a financial investment is in jeopardy, the public interest should suffer. *Wilbour v. Gallagher*, 77 Wash.2d 306, 462 P.2d 232 (1969) and *Bach v. Sarich*, 74 Wash.2d 575, 445 P.2d 648 (1968).

Eastlake Cmty. Council v. Roanoke Associates, Inc., 82 Wash. 2d 475, 484-85, 513 P.2d 36 (1973). *Eastlake* also establishes another important proposition concerning the administration of land use ordinances:

We have held that:

The acts of administering a zoning ordinance do not go back to the questions of policy and discretion which were settled at the time of the adoption of the ordinance. Administrative authorities are properly concerned with questions of compliance with the ordinance, not with its wisdom.

(Italics ours.) *State ex rel. Ogden v. Bellevue*, 45 Wash.2d 492, 495, 275 P.2d 899, 902 (1954). This rule is of equal force in the administration of a building code. To permit another course of administrative behavior, thereby inviting discretion, may well result in violations of the equal protection of the laws. The

code is positive in its requirements and contains no exceptional procedures like those employed here; hence, no city officer was authorized to permit its violation. The duty of those empowered to enforce the codes and ordinances of the city is to insure compliance therewith and not to devise anonymous procedures available to the citizenry in an arbitrary and uncertain fashion.

Eastlake, 82 Wash. 2d at 482. Mercer Island city codes are absolutely clear as to the procedures to be followed in processing a Critical Area Determination application.

As described above, it is incumbent on the City to rescind its prior Critical Area Determination and follow established procedures. It is far better to correct processing errors at this time, before further processing of other permit applications, rather than risk having to repeat actions later, following administrative or judicial review, when considerably more time and money is spent by all interested parties.

II. COMPLETENESS OF PRELIMINARY PLAT APPLICATION.

As noted above, the City has failed to follow clear procedures for notice and processing of the applicant's Critical Area Determination. The failure of the City to follow its own codes requires that the June 18, 2013 Critical Area Determination for the Coval property be rescinded and that the application be reconsidered after notice and comment requirements are met.

It is also clear that the configuration of the preliminary plat relies on the Critical Area Determination. The applicant's cover letter of April 3, 2013 made clear that the preparation of preliminary plat application documents was dependent on the Critical Area Determination. The actual Critical Area Determination of June 18, 2013 made the same determination:

Therefore, any subsequent development of the above referenced property would not be subject to buffer restrictions associated with regulated watercourses and/or wetland under the current regulations

Accordingly, there should be no further processing of the preliminary plat application until the watercourse issue is resolved. My clients and others who may receive notice of the Critical Area Determination application are likely to challenge the applicant's request for a Critical Area Determination and may appeal the eventual decision to the Planning Commission. If it is determined that a Type 2 Watercourse does exist on the applicant's property, then the preliminary plat must be modified to accommodate the watercourse (or wetland). Related to current processing of the preliminary plat application, no Notice of Completeness can be issued while the Critical Area Determination is outstanding. Once the Critical Area Determination is made following required code procedures, and the presence or absence of the Type 2 Watercourse is finally resolved, then the city can proceed to a notice of complete plat application.

November 7, 2013
Page 6

finally resolved, then the city can proceed to a notice of complete plat application.

Thank you for your consideration of this letter. We look forward to your prompt response to the issues raised in this letter.

Sincerely yours,

ARAMBURU & EUSTIS, LLP



J. Richard Aramburu

JRA:cc

cc: Clients
Mercer Island City Attorney, Katie Knight

CAO13-002

ADDRESS: 3051 84TH AVE SE

PROJECT TYPE: CRITICAL AREAS STUDY

OWNER: COVAL, MEYER

APPLICANT: NORTH BLUFF DEVELOPMENT

(206)769-1888

**CITY OF MERCER ISLAND**9611 SE 36th Street • Mercer Island, WA 98040-3732

PHONE (206) 275-7605 • FAX (206) 275-7726

www.mercergov.org • www.mybuildingpermit.com**Development Application**

STREET ADDRESS/LOCATION		Zone	OFFICE USE ONLY	
3051 84th Avenue SE / Mercer Island, WA 98040		R-9.6	PERMIT #	RECEIPT #
COUNTY ASSESSOR PARCEL #'S		Parcel size (sq. ft.)	41013-002	132774
122404-9010		222,150 SF	DATE RECEIVED	FEE
			4/13/13	\$2,073.39
			BY	See

PROPERTY OWNER Myer Coval	ADDRESS 3051 84th Avenue SE / Mercer Island, WA 98040	CELL/OFFICE: N/A E-MAIL: N/A
PROJECT CONTACT NAME North Bluff Developments LTD. (Wes Giesbrecht)	ADDRESS 15080 North Bluff Road / White Rock B.C. (Canada) V3B 5C1	CELL/OFFICE: (206) 769-1888 E-MAIL: atlin@qwestoffice.net
TENANT NAME N/A	ADDRESS N/A	CELL PHONE: N/A E-MAIL: N/A

DECLARATION: I HEREBY STATE THAT I AM THE OWNER OF THE SUBJECT PROPERTY OR I HAVE BEEN AUTHORIZED BY THE OWNER(S) OF THE SUBJECT PROPERTY TO REPRESENT THIS APPLICATION, AND THAT THE INFORMATION FURNISHED BY ME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SIGNATURE: [Signature] DATE: 4/2/13

PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):

The project proposes to construct a single-family residential development with a total project area of approx. 5.1-acres. It is located west of Luther Burbank Park at 3051 84th Avenue SE. The single-family lots will be accessed by a private access tract. The purpose of this application is to seek confirmation that the Type 2 Watercourse, as delineated on the City of M.I. Watercourse Type Map, is not a Watercourse per the Critical Area Study performed on March 30 2013 by Watershed Dynamics.

(PLEASE USE ADDITIONAL PAPER IF NEEDED) ATTACH RESPONSE TO DECISION CRITERIA IF APPLICABLE

CHECK TYPE OF USE PERMIT(S) REQUESTED (APPLICABLE):

*A 3% TECHNOLOGY FEE IS INCLUDED IN EACH OF THE FEES BELOW

APPEALS	DEVIATIONS (CONTINUED)	SUBDIVISION LONG PLAT	VARIANCES
<input type="checkbox"/> Land use \$669.50	<input type="checkbox"/> Setback Critical Areas \$2,073.39	<input type="checkbox"/> 2-3 Lots \$6,913.36	<input type="checkbox"/> Type 1 \$2,765.55
CRITICAL AREAS	<input type="checkbox"/> Impervious Surface \$2,074.42	<input type="checkbox"/> 4-5 Lots \$9,678.91	<input type="checkbox"/> Type 2 (Single-Family Only) \$1,530.58
<input checked="" type="checkbox"/> Determination \$2,073.39	<input type="checkbox"/> Shoreline \$2,765.55	<input type="checkbox"/> 6 or greater \$12,443.43	OTHER LAND USE
<input type="checkbox"/> Reasonable Use Exception \$4,147.81	<input type="checkbox"/> Wet Season Construction Moratorium \$846.66	<input type="checkbox"/> Long Plat Amendment \$3,456.68	<input type="checkbox"/> Accessory Dwelling Unit (ADU) \$138.02
DESIGN REVIEW	ENVIRONMENTAL REVIEW (SEPA CHECKLIST)	<input type="checkbox"/> Alteration to Existing \$3,456.68	<input type="checkbox"/> Comp Plan Amendment (CPA) \$3,179.61
<input type="checkbox"/> Review of sign & colors \$331.66	<input type="checkbox"/> Residential \$415.09	<input type="checkbox"/> Final Plat Subdivision \$2,765.55	<input type="checkbox"/> Conditional Use Permit (CUP) \$5,531.10
<input type="checkbox"/> \$0-5,000 \$553.11	<input type="checkbox"/> Non-residential \$1,382.26	SUBDIVISION SHORT PLAT	<input type="checkbox"/> Lot Line Rev.-Minor \$2,074.42
<input type="checkbox"/> \$5,001-25,000 \$1,382.26	<input type="checkbox"/> Environmental Impact St. \$2,074.42	<input type="checkbox"/> Two Lots \$3,456.68	<input type="checkbox"/> Lot Line Rev.-Major \$3,456.68
<input type="checkbox"/> \$25,001-50,000 \$2,074.42	SHORELINE MANAGEMENT	<input type="checkbox"/> Three Lots \$4,147.81	<input type="checkbox"/> Lot Line Consolidation \$691.13
<input type="checkbox"/> Over \$50,000 \$3,179.61	<input type="checkbox"/> Exemption \$138.02	<input type="checkbox"/> Four Lots \$4,838.94	<input type="checkbox"/> Lot Line Amendment \$1,037.21
DEVIATIONS	<input type="checkbox"/> Permit Revision \$553.11	<input type="checkbox"/> Variance / Acreage Limitation \$691.13	<input type="checkbox"/> Rezoning Action \$3,456.68
<input type="checkbox"/> Changes/antenna \$1,382.26	<input type="checkbox"/> Recreation-modify \$553.11	<input type="checkbox"/> Short Plat Amendment \$1,728.34	<input type="checkbox"/> Right-of-Way \$400.78
<input type="checkbox"/> Change to Open Space \$1,382.26	<input type="checkbox"/> Recreation-new \$1,382.26	<input type="checkbox"/> Alteration to Existing \$1,728.34	<input type="checkbox"/> Encroachment Agreement
<input type="checkbox"/> Fence Height \$691.13	<input type="checkbox"/> Substantial Dev. Permit \$1,382.26		<input type="checkbox"/> Zoning Code Text Amendment \$3,179.61

FOR CITY USE ONLY -- DO NOT WRITE BELOW THIS LINE

SEPA CATEGORICALLY EXEMPT:	<input type="checkbox"/> Yes <input type="checkbox"/> No	PERMIT FEE:	_____
SEPA CHECKLIST REQUIRED:	<input type="checkbox"/> Yes <input type="checkbox"/> No	PERMIT FEE:	_____
		TOTAL FEES:	_____

11711 S.E. 8TH STREET
SUITE 303
BELLEVUE, WA 98005

T 425.453.9501
F 425.453.8208
WWW.PACLAND.COM



April 3rd, 2013

Shana Crick
City of Mercer Island
9611 SE 36th Street
Mercer Island, WA 98040

Subject: Coval Property - Critical Area Determination

Dear Ms. Crick,

The purpose of this letter is to provide a written description and summary of the proposed project that requires the Critical Area Determination.

The project proposes to construct a single-family residential development on a parcel with a total project area of approximately 5.1-acres. The parcel number included in this project is 122404-9010. It is generally located west of Luther Burbank Park at 3051 84th Avenue SE. The parcel is zoned R-9.6. The property is currently developed with a large single-family home with accessory structures and landscape features. Lot sizes will be designed per city of Mercer Island code.

Per the City of Mercer Island Watercourse Type Map, there appeared to be a type 2 watercourse located on the west side of the subject property. As explained in the Critical Area Report prepared by Watershed Dynamics dated March 30, 2013, it is our opinion that no such watercourse exists.

We are seeking confirmation that the city agrees with this determination so that we can proceed with preparing preliminary plat application documents based on this site development plan. If you would like to discuss this request further with me, please contact me at (425) 453-9501, x1528 or sborgeson@pacland.com.

Sincerely,

A handwritten signature in black ink, appearing to read "SB", with a long horizontal line extending to the right.

Scott Borgeson, P.E.
Project Manager



CITY OF MERCER ISLAND

9611 SE 36th Street • Mercer Island, WA 98040-3732
PHONE (206) 275-7605 • FAX (206) 275-7726
www.mercergov.org

Critical Area Determination

Submittal Requirements and criteria for an administrative action by the code official pursuant to MICC 19.15.010(E) to allow reduction or averaging of a wetland or watercourse buffer.

FEES: See Development Application form for fee information

The reduction or averaging of a watercourse or wetland buffer requires a Critical Area Determination. The decision authority for a Critical Area Determination is the Code Official as outlined in the Mercer Island Unified Land Development Code Section 19.15.010(E), Administrative Actions. The decision will be made following mailing of a public notice to residents within 300' of the subject property and posting of the site, by the applicant, with a City furnished sign in a location on the property and visible to the public right-of-way. If a buffer reduction or averaging through a Critical Area Determination permit does not provide the necessary relief, then a property owner may apply for a Reasonable Use Exception (19.07.030(B)), which requires a public hearing in front of the Hearing Examiner. Please also see the Critical Area Setback Deviation [MICC 19.02.020(C)(4)].

PRE-APPLICATION: Applicants are required to participate in a pre-application meeting with City staff, per MICC 19.09.010(A). Call Development Services staff to schedule a pre-application meeting. Meetings with the staff provide an opportunity to discuss the proposal in conceptual terms, identify the applicable City requirements and explain the project review process. Applicants are encouraged to talk with their neighbors about their proposal. Meetings or correspondence with the neighborhood serve the purpose of informing the neighborhood of the project proposal prior to the formal notice provided by the City.

CRITICAL AREA MAPS: The approximate location and extent of critical areas are shown on Critical Area Maps available for review at the Development Services Group. These maps are to be used as a reference only. The applicant is responsible for determining the scope, extent and boundaries of any critical areas to the satisfaction of the code official through the Critical Area Report per MICC 19.07.020(C). City reference maps do not constitute a decision by the City that a critical area exists or a classification.

APPLICATION MATERIALS: All applications for permits or actions to the City shall be submitted on forms provided by the Development Services Group, including the "Development Application" form. An application shall contain all information required by the applicable development regulations, and shall include the following general information:

1. A clear and concise written description and summary of the proposed project that requires the Critical Area Determination. A Critical Area Determination is required to reduce or average a wetland or watercourse buffer. The description must clearly state the proposed buffer requested (if wetland or watercourse) and such buffer must be within the range identified for the maximum and minimum buffers in MICC 19.07.070 or MICC 19.07.080.

2. A verified statement by the applicant that the subject property is in the exclusive ownership of the applicant, or that the applicant has submitted the application with the consent of all owners of the property.
3. A legal description of the site and parcel number.
4. A Critical Area Study prepared by a qualified professional (e.g. stream/wetland biologist) containing the information identified in MICC 19.07.050, including:
 - A. Site survey prepared by a Washington State licensed surveyor (showing property lines, adjacent right-of-ways, location of existing and proposed structures, etc.) for the subject property.
 - B. Cover sheet and site construction plan.
 - C. Mitigation and restoration plan to include the following information:
 1. Delineation of critical areas and buffers;
 2. Classification of critical areas based on the requirements of MICC 19.07.060, 19.07.070, 19.07.080 and the definitions contained in Chapter 19.16;
 3. If a reduction of buffer is requested, the report must detail the specific mitigations that are proposed, consistent with the list of mitigation options identified in MICC 19.07.070(B)(2) that results in no net loss of critical area function; See details below.
 4. If buffer averaging is requested, the report must address the criteria identified in MICC 19.07.070(B)(3); See details below.
 5. Location of existing trees and vegetation and proposed removal of same;
 6. Location, type, and number of replacement trees and vegetation;
 7. In the case of a wildlife habitat conservation area, identification of any known endangered or threatened species on the site;
 8. Proposed grading;
 9. Description of impacts to the functions of critical areas; and
 10. Proposed monitoring plan. Please see MICC 19.07.040(J).A mitigation and restoration plan may be combined with a stormwater and erosion/sediment control management plan or other required plan. Additional requirements that apply to specific critical areas are located in Watercourses; MICC 19.07.080, Wetlands and MICC 19.07.090, Wildlife Habitat Conservation Areas.
 - D. Stormwater and erosion control management plan consistent with chapter 15.09 MICC. Off-site measures may be required to correct impacts from the proposed alteration.
 - E. Other technical information consistent with the above requirements, as required by the code official.

The critical area study requirement may be waived or modified if the code official determines that such information is not necessary for the protection of the critical area.

BUFFER REDUCTION CRITERIA: All requests to reduce a buffer must detail the specific mitigations that are proposed, consistent with the list of mitigation options identified in MICC 19.07.070(B)(2). The code official may allow the standard buffer

width to be reduced to not less than the minimum width in accordance with an approved critical area study when he/she determines that all of the following apply:

- That a smaller area is adequate to protect the watercourse;
- The impacts will be mitigated by using combinations of the mitigation options; and
- The proposal will result in no net loss of watercourse and buffer functions*
- However, in no case shall a reduced buffer contain a steep slope

In determining a buffer, the code official may consider the following mitigation options:

- Permanent removal of impervious surfaces and replacement with native vegetation;
- Installation of biofiltration/infiltration mechanisms such as bioswales, created and/or enhanced wetlands, or ponds supplemental to existing storm drainage and water quality requirements;
- Removal of noxious weeds, replanting with native vegetation and 5 year monitoring;
- Habitat enhancement within the watercourse such as log structure placement, bioengineered bank stabilization, culvert removal, improved salmonid passage and/or creation of side channel or backwater areas;
- Use of best management practices (e.g. oil/water separators) for storm water quality control exceeding standard requirements;
- Installation of pervious material for driveway or road construction;
- Use of "green" roofs in accordance with the standards of the LEED Green Building Rating System;
- Restoration of off-site area if no on-site area is possible;
- Removal of sources of toxic material that predate the applicant's ownership; and
- Opening of previously channelized and culverted watercourses on or off-site.

**Please note that the City reserves the right to require third party review of the Critical Area Report prepared by the qualified professional at the applicant's expense to verify conclusions, methods, etc.*

BUFFER AVERAGING CRITERIA FOR APPROVAL: The code official may allow the standard buffer width to be averaged if:

- The proposal will result in a net improvement of critical area function;
- The proposal will include replanting of the averaged buffer using native vegetation;
- The total area contained in the averaged buffers on the development proposal site is not decreased below the total area that would be provided if the maximum width were not averaged;
- The standard buffer width is not reduced to a width that is less than the minimum buffer width at any location; and
- That portion of the buffer that has been reduced in width shall not contain a steep slope.

WATERCOURSE BUFFERS: Standard buffer widths shall be as follows, measured from the ordinary high water mark (OHWM), or top of bank if the OHW cannot be determined through simple non-technical observations. The code official may allow a reduction up to the minimum buffer width as previously described in the criteria.

1. **Type 1 Watercourse.** Watercourses or reaches of watercourses used by fish, or are downstream of areas used by fish.

2. **Type 2 Watercourse.** Watercourses or reaches of watercourses with year-round flow, not used by fish.
3. **Type 3 Watercourse.** Watercourses or reaches of watercourses with intermittent or seasonal flow and not used by fish.
4. **Restored Watercourse.** Any Type 1, 2 or 3 Watercourse created from the opening of previously piped, channelized or culverted watercourses.

Watercourse Type	Standard (Base) Buffer Width (feet)	Minimum Buffer Width with Enhancement (ft)
Type 1*	75	37
Type 2	50	25
Type 3	35	25
Restored or Piped	25	Determined by the code official

* There are no known Category I wetlands in the City.

WETLAND BUFFERS: Standard buffer widths shall be established from the outer edge of wetland boundaries and wetland rating shall be based on the categories set forth in the Washington State Wetland Rating System for Western Washington, Publication #04-06-025 dated August 2004, updated in June 2006 (Version 2). A summary of the classification system is provided below:

1. **Category I Wetlands.** Category I wetlands are those that meet the following criteria:
 - a. Wetlands that are identified by scientists as high quality or high-function wetlands;
 - b. Bogs larger than one-half acre;
 - c. Mature and old-growth forested wetlands larger than 1 acre; or
 - d. Wetlands that are undisturbed and contain ecological attributes that are impossible to replace within a human lifetime.
2. **Category II Wetlands.** Category II wetlands are not defined as Category I wetlands and meet the following criteria:
 - a. Wetlands that are identified by scientists as containing "sensitive" plant species;
 - b. Bogs between one-quarter and one-half acre in size; or
 - c. Wetlands with a moderately high level of functions.
3. **Category III Wetlands.** Category III wetlands do not satisfy Category I or II criteria, and have a moderate level of functions. These wetlands generally have been disturbed in some ways, and are often less diverse or more isolated from other natural resources than Category II wetlands.
4. **Category IV Wetlands.** Category IV wetlands do not satisfy Category I, II or III criteria; and have the lowest level of functions; and are often heavily disturbed.

Wetland Type	Standard (Base) Buffer Width (feet)	Minimum Buffer Width with Enhancement (ft)
Category I	100	50
Category II	75	37
Category III	50	25
Category IV	35	25

PUBLIC NOTICE AND REVIEW PROCESS: Critical Area Determinations require public notice in the City Permit Bulletin. The City will provide the applicant a public notice sign to post on the site (subject to a refundable deposit) and will mail the notice to all property owners within 300 feet of the subject property following the Determination of Completeness. The public may provide written comments on the proposal for a minimum of 14 days prior to the decision. A Notice of Decision will be mailed to the applicant and anyone who provides written comments on the proposal. Critical Area Determination decisions may be appealed to the Planning Commission. Appeals must be filed within 14 days following issuance of the Notice of Decision as provided in MICC 19.15.020(J).

Application for a Critical Area Determination involves substantial time, expense, and risk for a property owner. Application does not guarantee approval. Request must meet difficult criteria, and applicants are proceeding "at their own risk".

M. L. Goral

Signature of property owner

4-2-2013

Date

APRIL

3051-84th Ave. S.E. MERCER ISLAND, WA 98040

Site Address

TPN:1224049032

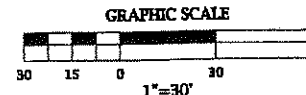
TPN:1224049122

TPN:1224049123

TPN:1224049043

TPN:1224049033

TPN:1224049044



LEGAL DESCRIPTION

THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 24 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON.

VERTICAL DATUM

ORIGINATING BENCHMARK:

CITY OF MERCER ISLAND MONUMENT DESIGNATION JM 1015, 1/2" BRASS CAP IN 4"x4" CONCRETE POST IN CASE.

VERTICAL DATUM: NAVD '88

ELEVATION: 85.16'

TEMPORARY BENCHMARKS:

1" TEM 'A' SET AXIS MAG & WASHER IN GRANITE DRIVEWAY

ELEVATION: 239.84'

LEGEND

- POWER JUNCTION BOX
- TELECOMMUNICATIONS MANHOLE
- GUY ANCHOR
- POWER POLE W/ TRANSFORMER
- POWER POLE W/ UNDERGROUND CONDUIT
- POWER POLE W/ TRANSFORMER & UNDERGROUND CONDUIT
- POWER POLE
- GUY POLE
- SANITARY SEWER MANHOLE
- CATCH BASIN
- YARD DRAIN
- CULVERT
- FIRE HYDRANT
- HOSE BIB
- IRRIGATION CONTROL VALVE
- WATER METER
- WATER VALVE
- WELL
- GAS METER
- FUEL PUMP
- MAIL BOX
- ROCKERY
- SIGN
- POST
- SET BENCHMARK
- FOUND MONUMENT IN CASE
- FOUND REBAR AND CAP AS NOTED
- DITCH LINE
- SANITARY SEWER LINE
- OVERHEAD TELECOMMUNICATIONS LINE
- OVERHEAD POWER AND TELECOMMUNICATIONS
- GUY WIRE
- WOOD FENCE LINE
- SPLIT RAIL FENCE LINE
- CONCRETE PAVING
- ASPHALT PAVING
- BUILDINGS
- GRAVEL/DIRT SURFACE
- STONE PAVERS
- FLAGSTONE PAVERS

12" A ALDER	12" C GEDAR
12" B BIRCH	12" CTR CONIFER
12" COT COTTONWOOD	12" F FIR
12" CY CHERRY	12" H HEMLOCK
12" D DECIDUOUS	12" P PINE
12" FR FRUIT	12" SEO SEOUOIA
12" HO HOLLY	
12" M MAPLE	
12" MA MADRONA	
12" RH RHODODENDRON	
12" YEW YEW	

RECEIVED

APR 03 2013

CITY OF MERCER ISLAND
DEVELOPMENT SERVICES

SE 1/4, NE 1/4, SEC. 12, TWP. 24N., RGE. 4E., W.M.
CITY OF MERCER ISLAND, KING COUNTY, WASHINGTON

BOUNDARY AND TOPOGRAPHIC SURVEY
OF
3501 84TH AVE SE

PACLAND

11711 SE 8th St.
Suite 303
Bellevue, WA 98005

(425) 453-9501
(425) 453-8208
www.pacland.com

Axis
Survey & Mapping

13005 NE 126th Pl.
Kirkland, WA 98034
TEL 425.823-5700
FAX 425.823-6700

www.axismap.com

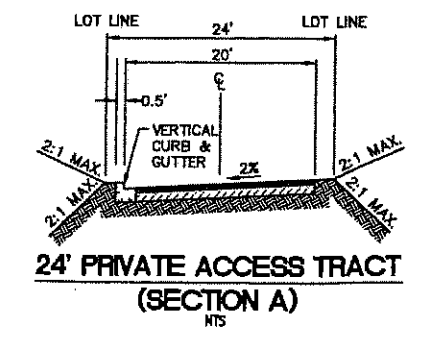
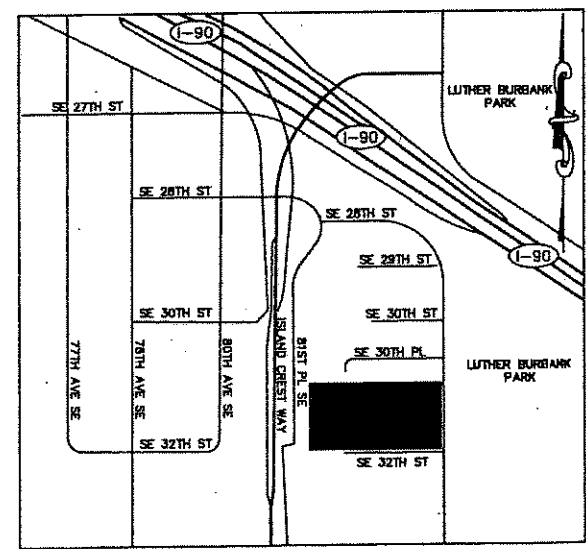
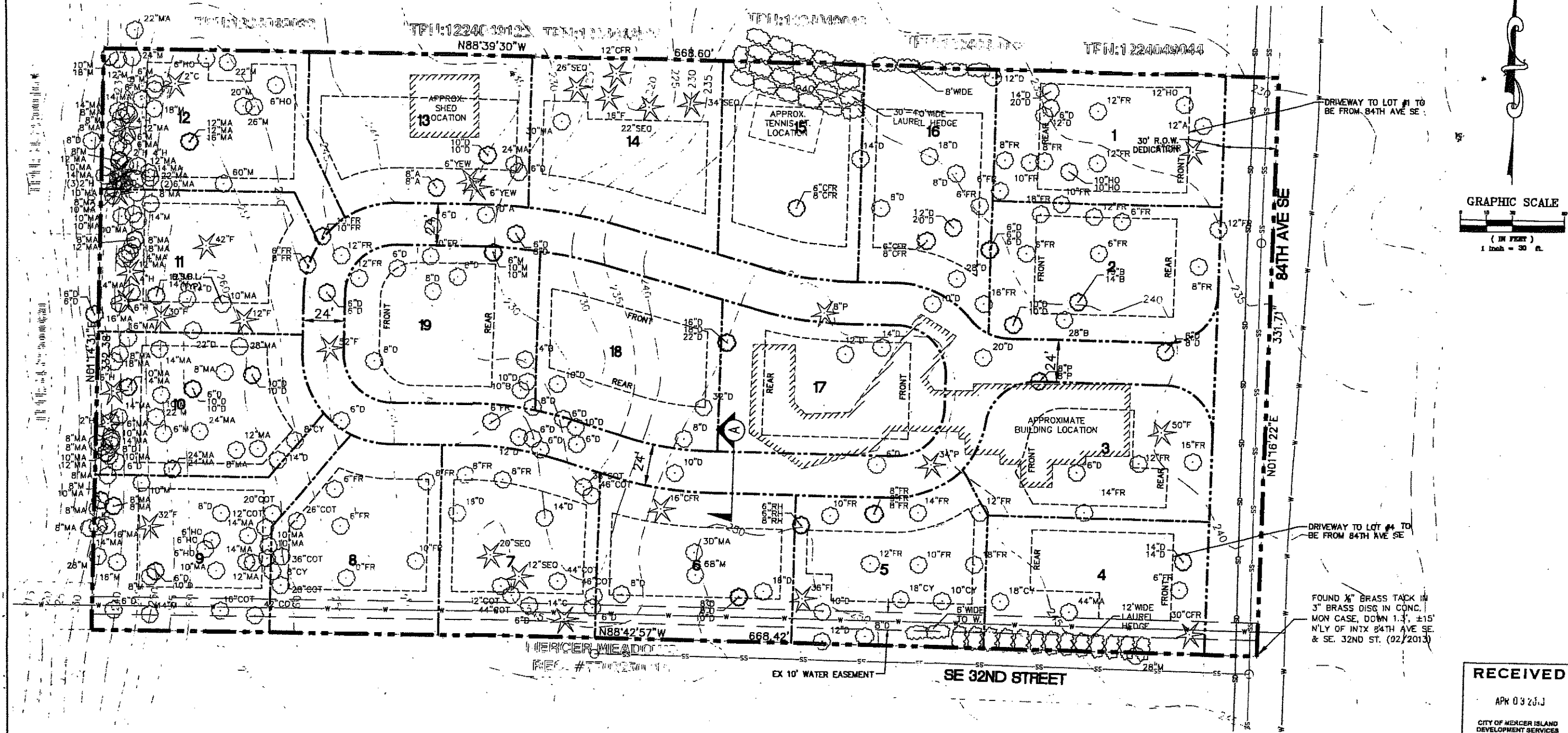
JOB NO.	DATE
13-020	4/2/13
DRAWN BY	CHECKED BY
JM	ZLN
SCALE	SHEET
1"=30'	1 OF 1

NOTE:
THIS MAP IS PART OF AN ONGOING SURVEY.
THERE ARE STILL AREAS NEAR THE NORTHWEST
CORNER AS WELL AS THE SOUTH LINE THAT
HAVE NOT BEEN SURVEYED. THIS MAP IS
CURRENT AS OF APRIL 2, 2013.



RIDGEWOOD AT ISLAND
CREST
VOL. 251/PG. 3-8

REV#	DESCRIPTION OF REVISION	DATE	BY
#1			
#2			
#3			
#4			
#5			
#6			
#7			



PROJECT INFORMATION

ZONING:	R-9.6
TOTAL PARCEL AREA:	221,975 SF (5.1 ACRES)
R.O.W. DEDICATION:	9,952 SF
PRIVATE ACCESS TRACT:	24,970 SF
NET DEVELOPABLE AREA:	187,053 SF (4.3 ACRES)
MAX LOT YIELD:	19.5
LOTS:	19
MIN. LOT SIZE:	9,600 SF
MIN. LOT DEPTH:	80'
MIN. LOT WIDTH:	75'
TAX PARCEL NUMBER:	1224049010
SETBACKS:	
FRONT:	20'
REAR:	25'
SIDE:	15' TOTAL (5' MIN)
FROM PUBLIC R.O.W.:	10'

LEGEND

---	PROPERTY LINE
- - - -	PROPOSED R.O.W.
- . - . -	PROPOSED BUILDING
- - - - -	PROPOSED LOT LINE
- . - . -	PROPOSED CENTER LINE
- - - - -	PROPOSED B.S.B.L.
- - - - -	PROPOSED PAVEMENT/CURB
- - - - -	PROPOSED SIDEWALK
- - - - -	EXISTING WATER MAIN
- - - - -	EXISTING SANITARY SEWER MAIN
- - - - -	EXISTING STORM DRAINAGE PIPE

TREE LEGEND

12"A ALDER	12"C CEDAR
12"B BIRCH	12"CFR CONIFER
12"COT COTTONWOOD	12"F FIR
12"CY CHERRY	12"H HEMLOCK
12"D DECIDUOUS	12"P PINE
12"FR FRUIT	12"SEQ SEQUOIA
12"HO HOLLY	
12"W MAPLE	
12"MA MADRONA	
12"RH RHODODENDRON	
12"YEW YEW	

COVAL PROPERTY
RYKON HOLDINGS
3051 84TH AVENUE SE
MERCER ISLAND, WA 98040

CONCEPTUAL SITE PLAN

PAC LAND
11711 SE 8th St.
Suite 303
Bellevue, WA 98005
T (425) 453-9501
F (425) 453-9208
www.PacLand.com

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APR 03 2013
CITY OF MERCER ISLAND
DEVELOPMENT SERVICES

Issue Date: 3/21/2013
Designed By: SRB
Drawn By: JJA
Checked By: SRB
Project No.: 5033502
Revision Description:

1 OF 1



CITY OF MERCER ISLAND

9611 SE 36th Street • Mercer Island, WA 98040-3732

(206) 275-7605 • FAX (206) 275-7726

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JUL 8 0 2013

CITY OF MERCER ISLAND
DEVELOPMENT SERVICES

June 18, 2013

Wes Giebrecht
North Bluff Developments, Ltd.
15080 North Bluff Road
White Rock BC V3B 5C1

RE: File No. CAO13-002 – Coval Critical Areas Determination

3051 84th Avenue SE, Mercer Island WA 98040;

King County Parcel No. 122404-9010

Dear Wes Giebrecht:

On April 3, 2013, the City received an application for a Critical Areas Determination (file number CAO13-002) to establish whether a watercourse is located on the above referenced property. City maps indicate that there is a Type 2 watercourse that runs from south to north across the center of the subject property. The watercourse is then shown to continue to the north into a pipe (Enclosure 1). Pursuant to Mercer Island City Code (MICC) 19.07.020(C), City maps are to be used for reference only. MICC 19.07.020(C) states "the applicant is responsible for determining the scope, extent and boundaries of any critical areas to the satisfaction of the code official." The applicants submitted to the City a "Critical Areas Review" dated March 30, 2013 and performed by Larry Burnstad of Watershed Dynamics (Enclosure 2). The report evaluated the site to determine whether the potential watercourse on the subject property met the following definition of "watercourses" in MICC 19.16.010(W):

A course or route, formed by nature and generally consisting of a channel with a bed, banks, or sides throughout substantially all its length, along which surface waters, with some regularity (annually in the rainy season), naturally and normally flow in draining from higher to lower lands. This definition does not include irrigation and drainage ditches, grass-lined swales, canals, storm water runoff devices, or other courses unless they are used by fish or to convey waters that were naturally occurring prior to construction.

The applicant's critical areas report concluded that there was not a watercourse either on or immediately adjacent to the Coval property (Enclosure 2, page 13).

As this application for a Critical Areas Determination was submitted ahead of a formal subdivision application, City staff decided to submit the project for peer review. The City contracted with the Watershed Company to perform a second watercourse study on the subject property. On April 17, 2013, the City received the peer review of Watershed Dynamics' critical areas study prepared by Nell Lund (Enclosure 3). On page 4 of Enclosure 3, the peer reviewer concurred with the applicant's assessment of the watercourse:

Although surface water is evidently conveyed through the ravine, flows are not substantial enough to produce a distinct bed and banks throughout substantially all its length. Based on my interpretation of the definition above, this feature is not a regulatory watercourse.

Exhibit B

Nevertheless, the report from the Watershed Company stated that there were wetland conditions observed in a ravine on site.

...wetland conditions were observed in association with the mapped onsite watercourse. Standing water, saturated soils and a high ground water table was observed both above and below the interior dirt road (See photo documentation below). Vegetation in wet areas is characterized by osoberry, English holly, iris, lady fern, creeping buttercup, and at least one skunk cabbage.

On May 8, 2013, the applicant submitted to the City a second critical areas review prepared by Larry Burnstad (Enclosure 4), which addressed the potential wetland conditions on the subject site. Mr. Burnstad concluded that there were no regulated wetlands on the property. There was limited hydrophytic vegetation on site, which was located in an area subject to alterations to support landscaping (Enclosure 4, pages 2 and 3). Additionally, saturated soils could be attributed to above average precipitation (Enclosure 4, page 5).

The applicant was contacted on June 3, 2013 regarding contracting for peer review on Mr. Burnstad's report in response to potential wetland conditions on site. On June 11, 2013, the City received a report from Mr. Burnstad reaffirming his initial conclusions presented in his May 2, 2013 memo and restating that wetland conditions do not exist on the site (Enclosure 5). To resolve the wetland issue, Nell Lund of the Watershed Company and Larry Burnstad of Watershed Dynamics met with Wes Giesbrecht, Fred Glick, and Shana Crick on the subject property. Nell Lund performed an additional site investigation and determined that wetland conditions did not exist on the subject property. Ms. Lund's conclusions are documented in an addendum to her initial critical areas study (Enclosure 6), which was received by the City on June 17, 2013.

Suspected wetland areas with the ravine were thoroughly evaluated and found to be non-wetland. Additional hydrology data was provided by Watershed Dynamics, in addition to landscaping and irrigation details. Finally the site visit revealed a lack of wetland hydrology indicators within sampled soil pits.

Taking into consideration the findings of both Watershed Dynamics and the Watershed Company, it can be concluded that the Type 2 watercourse shown on City maps does not meet the definition of "watercourse" pursuant to MICC 19.16.010(W), and consequently will not be regulated as such. Furthermore, Mr. Burnstad's reports (Enclosures 4 and 5) and Ms. Lund's Follow up to Peer Review of Critical Areas Study (Enclosure 6) verified that regulated wetlands are not present on the subject property. Therefore, any subsequent development of the above referenced property would not be subject to buffer restrictions associated with regulated watercourses and/or wetlands under the current regulations.

Please do not hesitate to contact me via e-mail at shana.crick@mercergov.org or by phone at 206-275-7732 if you have any questions.

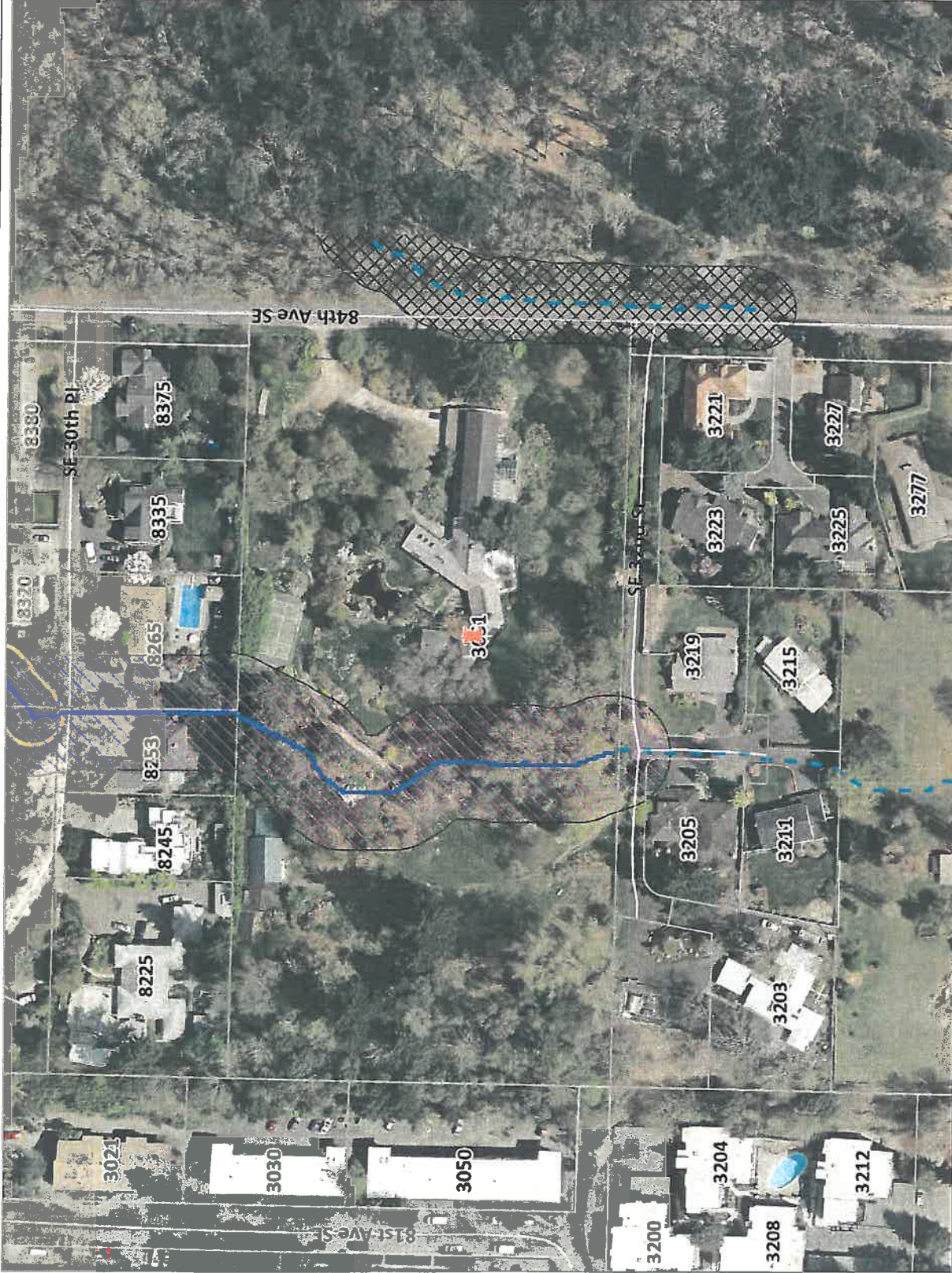
Sincerely,

Shana Crick

Shana Crick, Planner
City of Mercer Island Development Services Group

Copy: Myer Coval
Fred Glick

Enclosures (6)



Legend

- Parcels
- Street Centerline
- Address
- Docks
- Major Roads
- Shoreline
- Watercourse
- 1-Potential Fish Use
- 2-Perennial
- 3-Seasonal
- Type 1 Standard 75 ft Buffer
- Type 2 Standard 50 ft Buffer
- Type 3 Standard 35 ft Buffer
- Piped WaterCourses 25ft Buffer
- April 2012
- Red: Band_1
- Green: Band_2
- Blue: Band_3

1:1,587



Notes

Enter Map Description

Disclaimer: These maps were developed by the City of Mercer Island and are intended to be a general purpose digital reference tool. These maps are not an accepted legal instrument for describing, establishing, recording or maintaining descriptions for property concerns or boundaries. The City makes no representation or warranty with respect to the accuracy or currency of these data sets, especially in regard to labeling of surveyed dimensions, or agreement with official sources such as records of survey, or mapped locations of features.



WATERSHED DYNAMICS

Post Office Box 215, Enumclaw, Washington TEL 360.825.9253 FAX 360.825.9248

DATE:	March 30, 2013	HARD COPY SENT:	X	YES		NO
FAX:	na	FAX COPY SENT:		YES	X	NO
E-MAIL:	sborgeson@pacland.com	E-MAIL COPY SENT:	X	YES		NO
TRANSMITTAL	PAGES SENT INCLUDING COVER PAGE:					
SUBJECT:	Watercourse Review for the Coval Property on Mercer Island					
TO:	Mr. Wes Giesbrecht, President Atlin Investments, Inc. c/o Mr. Scott Borgeson PACLAND 11711 SE 8 th Street, Suite 303 Bellevue, Washington 98005					
FROM:	Larry D. Burnstad, Senior Environmental Consultant					
PROJECT NAME:	Critical Areas Review: Coval Property					
PROJECT NUMBER:	Watershed Dynamics Project No. 2013001					

Thank you for the opportunity to review the Meyer Coval Property located at 3051 – 84th Avenue SE, Mercer Island, Washington (*see Figure 1 below*). As expressed prior to our field review on March 28, 2013, your primary concern was a Type 2 Watercourse that, per the City of Mercer Island Watercourse Type Map, appeared to be located on the west side of the subject property.

Per your request I reviewed both the critical areas information and the Mercer Island Municipal Code (MIMC) that were available on the City of Mercer Island (City) web site. As you indicated, the City's Watercourse Type Map indicates the presence of a Type 2 Watercourse that appears to be located in the western portion of the subject property. According to MIMC §19.06.010 – Definitions, a "watercourse" is defined as:

"A course or route, formed by nature and generally consisting of a channel with a bed, banks, or sides throughout substantially all its length, along which surface waters, with some regularity (annually in the rainy season), naturally flow in draining from higher to lower lands. This definition does not include irrigation and drainage ditches, grass-lined swales, canals, stormwater runoff devices, or other courses unless they are used by fish or to convey water that were naturally occurring prior to construction."

FINDINGS

Prior to my onsite review, I walked south from the Coval driveway entrance along 84th Avenue SE to SE 32nd Street, a paved road adjacent to the southern boundary of the subject property. I continued west along SE 32nd Street to the driveway leading to the residence at 3211 – 84th Avenue SE, which was located approximately 125 feet to 150 feet south of the subject property (*see Figure 1 below*). This driveway was immediately south of the swale designated by the City as a Type 2 Watercourse on the Coval property.

There was a large grassy depression (*see Figure 1 and Photo 1 below*) located south of the residence at 8211 – 84th Avenue SE. Based on my review of available topographic maps, this grassy area forms the "headwater" of the Type 2 Watercourse identified by the City as extending from SE 32nd Street north to Lake Washington. The hydrologic divide between this basin, which drains to the north, and the basin to the south is located at approximately the southern property boundary of the house seen in the background of Photo 1. The house visible in the background of Photo 1 is located on the south side of SE 33rd Place (*see Figure 1 below*).



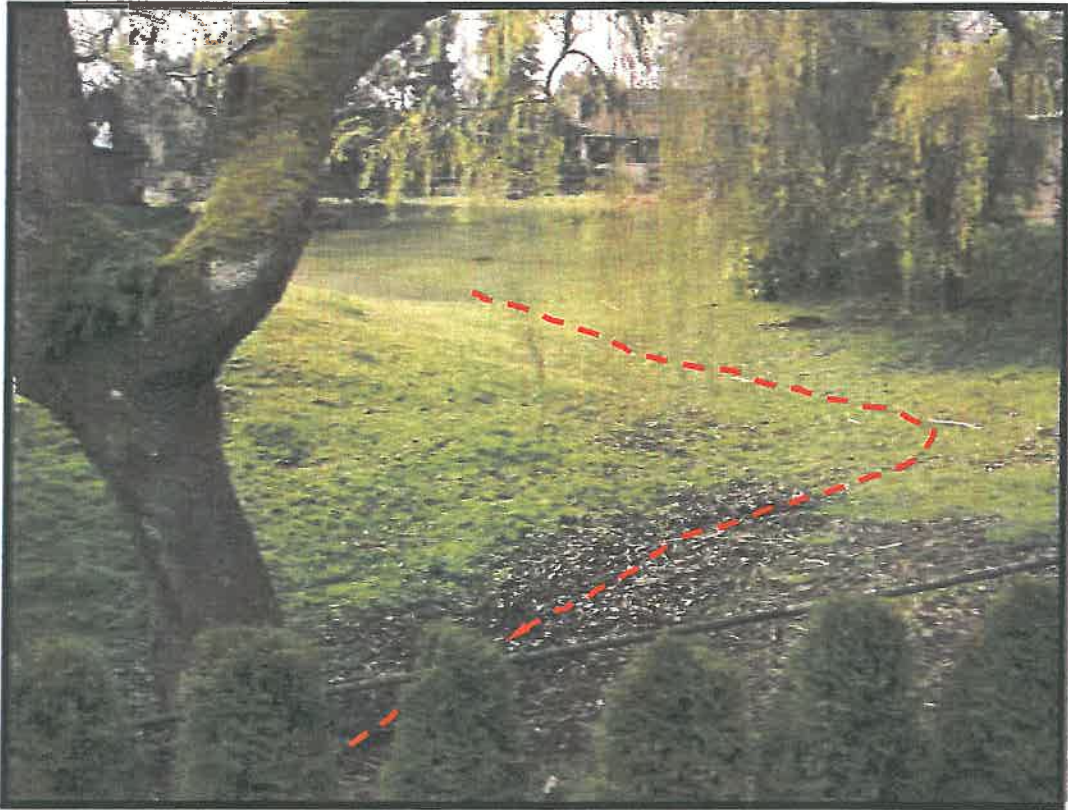


PHOTO 1: Headwater area south of 8211 – 84th Avenue SE.

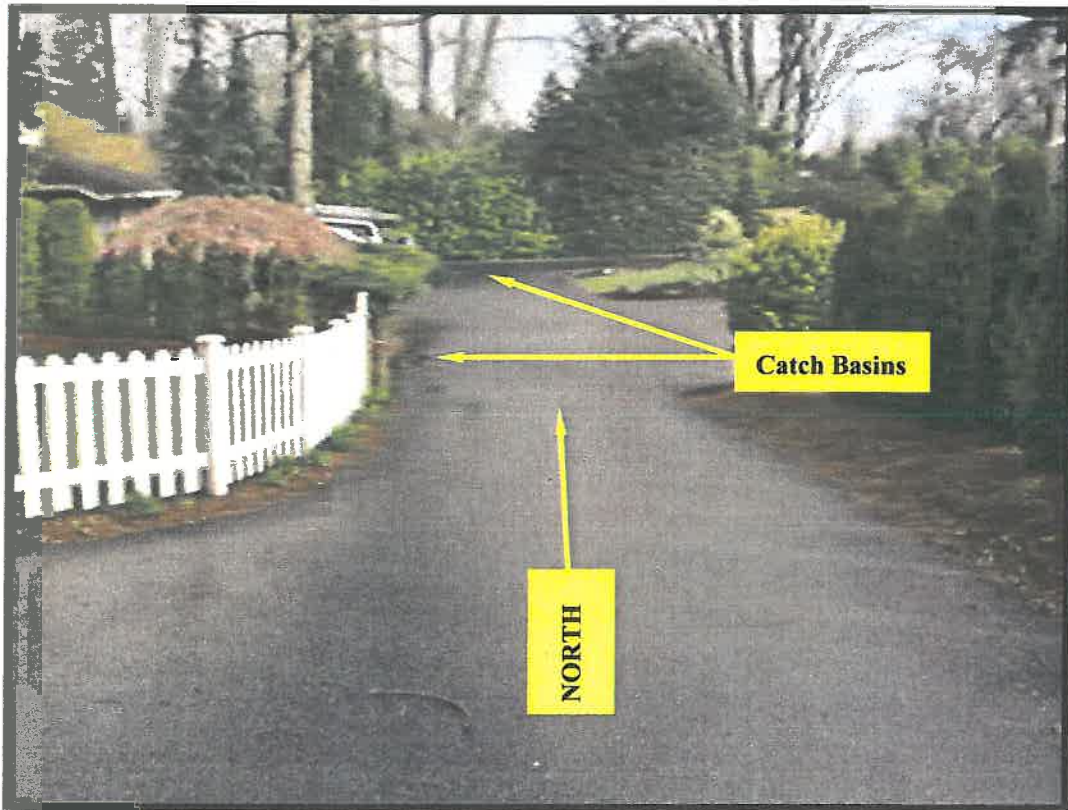


PHOTO 2: Driveway leading from 3211 – 84th Avenue SE north to Coval south property line.



PHOTO 3: View of catch basin in driveway leading to 8211 SE 32nd Street.

The grassy area visible in the foreground and middle ground of Photo 1 slopes north toward the southern boundary of the property at 3211 – 84th Avenue SE. Upon inspection I was unable to find any watercourse within this area, particularly no watercourse consistent with the definition found in MIMC §19.06.010.

I did find the inlet of a drainage pipe below the base of the tree in the lower left corner of Photo 1. The drainage pipe appeared to be located under the driveway leading to 3211 – 84th Avenue SE (*see Photo 2 above*) and may have been installed as part of the subdivision located immediately south of the Coval property. It also appeared the pipe was installed to convey any surface water runoff from the headwater area, through the residential development, under SE 32nd Street, and onto the Coval property (*see Photo 4 below*).

I found a catch basin in the driveway leading from aforementioned residence north to SE 32nd Street (*see Photo 3 above*) as well as a catch basin in SE 32nd Street. Each of these catch basins was connected to the drainage pipe located between the headwater area and the vegetated swale located in the western portion of the Coval property.

After reviewing the headwater and developed areas south of the subject property, I initiated my review of the swale located within the subject property. As part of my review, I walked the entire property looking for evidence of any critical habitat. Although I found no “critical” areas, I did find a topographic low area or swale located in the western part of the site. The fall line of this swale was oriented south to north (higher elevation to the south).

Approximately 30 feet to 35 feet north of the Coval south property boundary I observed the outlet end of 12-inch diameter ADS drainage pipe. This pipe appeared to be the outlet end of a drainage device conveying stormwater runoff from developed properties to the south.

From the outlet of the drainage pipe I walked approximately 75 feet to 100 feet northward to a small concrete bridge (landscape feature). This bridge appeared to have been constructed across the swale primarily to flatten the vertical curve of the pathway from the east side to the west side of the site. The structure would also function to convey surface flow from the south side to the north side of the path, should the need arise.



PHOTO 4: View looking upstream from bottom of swale at south end of property. SE 32nd Street is on the south side of the split-rail fence and laurel hedge visible in the upper portion of the photograph.

There was no evidence of a “natural channel” nor was there any evidence of surface water flow between the pipe outlet and the small bridge (*see Photo 4 above and Photo 5 below*). Conditions downstream of the small bridge were essentially the same as those observed upstream of the bridge (*see Photo 6 below*).



PHOTO 5: View looking at swale down slope (north) of the outlet end of drainage pipe.



PHOTO 6: View looking down slope (north) from concrete bridge at swale.



PHOTO 7: View looking at inlet end of drainage pipe from north side of Coval property to the north side of the SE 30th Place road fill.

At the northern boundary of the subject property, I observed the inlet end of a 12-inch diameter ADS pipe that appeared to have been installed to convey surface water runoff from the north property boundary (*see Photo 7 above*) through a residential development immediately north of the subject property. From the inlet of the drainage pipe I was able to look northward across the property located immediately north of the Coval property. There was no evidence of any surface flow or conveyance channel on the property to the north.

After photographing the pipe inlet, I walked off the subject property onto 84th Avenue SE, turned north and continued to SE 30th Place, and then west to 8253 SE 30th Place (*see Photo 8 below*). I estimated the drainage pipe coming from the subject property would outlet along the east side of this property and south of SE 30th Place. There was a catch basin in the driveway (*see Photo 9 below*) on the south side of the street, but the pipe outlet was actually located at the toe of the road fill on the north side of SE 30th Place (*see Photo 10 below*).

Any surface water conveyed through the drainage pipe would flow into another grass-lined swale that continued in a northerly direction from SE 30th Place toward SE 30th Street (*see Photo 10 below*). I observed the swale that started on the north side of SE 30th Place terminated in a small depression on the south side of SE 30th Street (*see Photo 11 below*). I did not observe any “natural” channel or watercourse between SE 30th Place and SE 30th Street (*see Photo 10 and Photo 11 below*). I did, however, observe an open-grated catch-basin lid in the small depression immediately south of SE 30th Street, indicating any surface drainage that would occasionally occur was being captured at that point and was being conveyed further down slope in a closed drainage pipe.

Based on the location of the catch basins on the south side of SE 30th Street I continued my investigation on the north side of the street in an attempt at finding a drainage pipe outlet, conveyance channel, or some evidence of a grass-lined swale. I was not able to find any conveyance structures other than catch basin grates in the area south of 8236 SE 30th Street (*see Photo 12 below*). The drainage pipe is located under the street and goes between the two residences shown in Photo 12.



PHOTO 8: View looking south along the east side of 8253 SE 30th Place (property immediately north of the Coval property). Photo 9 below shows the catch basin in this driveway that is connected to the drain pipe that inlets on the subject property (see *Photo 7 above*).



PHOTO 9: Catch basin, in driveway at 8253 SE 30th Place, that is connected to drainage pipe.



PHOTO 10: View of swale on north side of SE 30th Place. Red line shows slope direction (north).



PHOTO 11: View of catch basins east of 8241 SE 30th Street on south side of the street.



PHOTO 12: Driveway leading north from SE 30th Street to 8234 (to left) and 8236 (to right) SE 30th Street. Approximate drainage pipe shown with red dashed line.

I continued my preliminary review by investigating the area on SE 29th Street and SE 28th Street where I estimated the drainage course should be located. I did not find any open watercourse between the south of SE 30th Street and the north side of SE 29th Street. There was an open channel with the watercourse characteristics defined for an Intermittent Watercourse in MIMC §19.06.010 (*see Photo 13 below*). This was the only section of stream channel (watercourse) that had a channel bottom of mineral soil and gravel as well as channel banks. The channel appeared to only have flow in response to storm events and continuing for a short period of time following the cessation of precipitation. As such, it more closely met the definition of a Type 3 Watercourse as defined in MIMC §19.06.010.



PHOTO 13: View looking south at section of watercourse between SE 29th Street and SE 28th Street.

In addition, I reviewed aerial photography available on Google Maps and the King County GIS Center (KCGIS) Imap® database. I discovered the presence of a “lid” over I-90, which was located in the general vicinity of the “Type 2 Watercourse” shown on the City’s watercourse map. The map indicates surface flow in a channel located between the north side of SE 29th Street the south side of I-90. That same channel is shown to cross I-90 on the east side of Island Crest Way before continuing in a north easterly direction to Lake Washington.

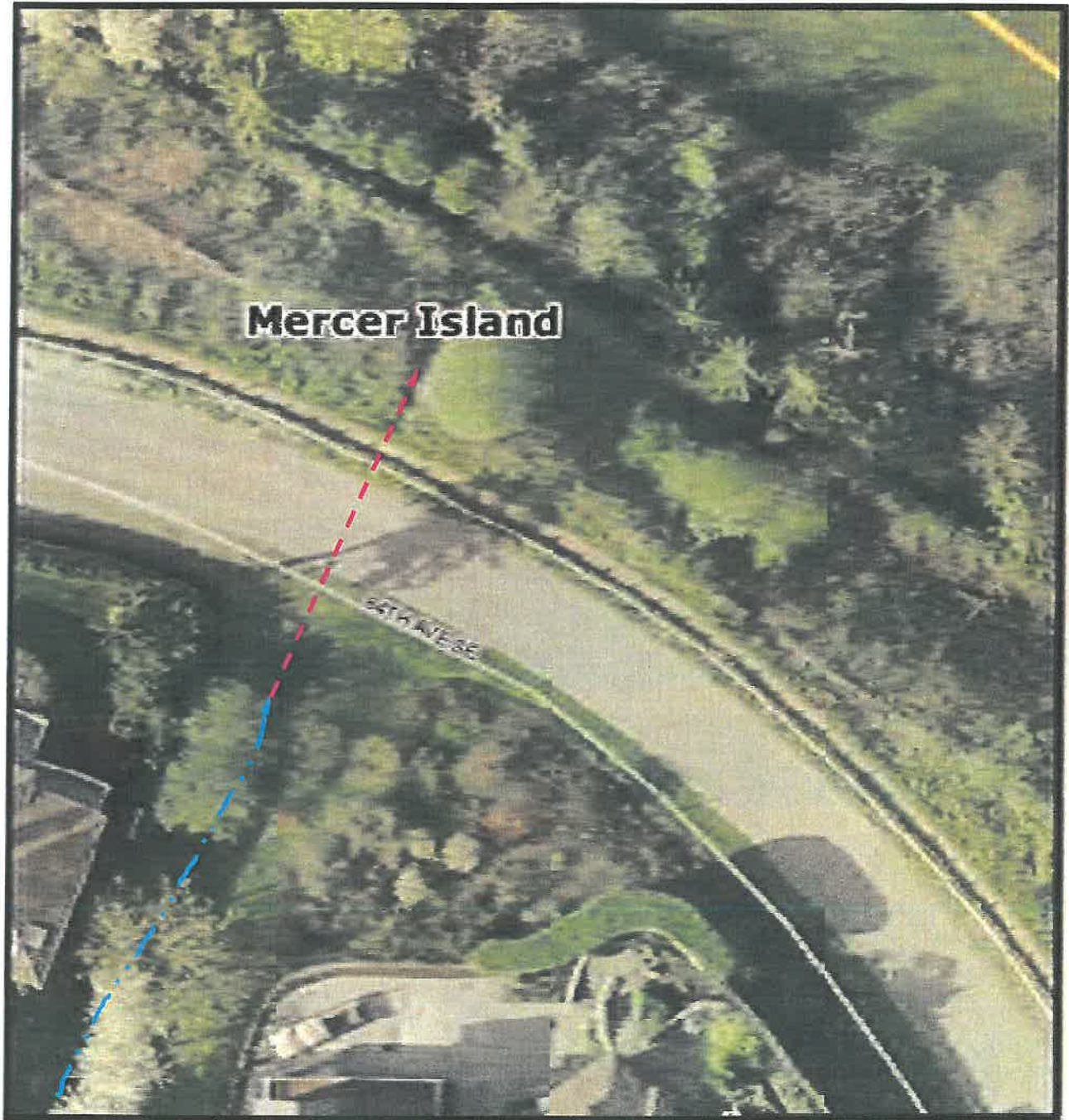


PHOTO 14: Aerial view of watercourse between SE 29th Street and SE 28th Street. Beyond the north end (outlet) of the pipe under SE 28th Street/84th Avenue SE the condition of the watercourse was unclear. I was unable to find any open channel between SE 28th Street and the retaining walls adjacent to the south side of I-90.

I was unable to identify any of the open channels shown on the City's map between SE 28th Street and I-90 (*see Photo 14 above*). It is possible, based on the steep terrain and the retaining walls adjacent to I-90, that any stormwater runoff collected on the south side of I-90 is conveyed in a closed-drainage system under I-90 and may outlet into an open channel on the north side of north Mercer Way.

CONCLUSIONS

- (1) Based on my field review, reading of the pertinent MIMC sections, and evaluating available aerial photography (circa 2009), I have concluded there is not a Type 2 or Type 3 Watercourse located within or immediately adjacent to either the south side or the north side of the Coval property.
- (2) Within the entire length of the drainage from SE 33rd Street to Se 28th Street ~45% of the length is in drainage pipes, ~37% is open drainage that does not meet the MIMC definition of a watercourse, and the northern 18% is consistent with the MIMC definition of a Type 3 Watercourse.

RECOMMENDATION

Please note that my conclusion must be reviewed and accepted by the City of Mercer Island before being considered final. I recommend delaying any significant land use planning activities until after the City's staff has reviewed and approved this report.

STATEMENT OF QUALIFICATIONS: Larry D. Burnstad, Senior Environmental Scientist

I received a BS in Biological Sciences with an emphasis Fisheries Management from California State University at Sacramento in June 1974. That same month I began my professional environmental career as a GS-4 Hydrologic Technician working for the U.S. Forest Service (USFS) first on the Sandpoint Ranger District in Sandpoint, Idaho (1974) and then as a GS-5/7 Hydrologic Technician on the Banners Ferry Ranger District in Bonners Ferry, Idaho (1975 – 1976). In 1977 I transferred to the San Juan National Forest Supervisor's Office in Durango, Colorado, where I worked as the Forest Hydrologist (GS-9). In 1978 I was assigned as Forest Hydrologist (GS-11) on the Malheur National Forest Supervisor's Office in John Day, Oregon. In 1980, I transferred to the Mt. Baker-Snoqualmie National Forest as Hydrologist (GS-11) in the South Zone Engineering Center in Enumclaw, Washington. In 1982, the Engineering Zone was eliminated and I was assigned to the White River Ranger District as the Other Resources Assistance (GS-11) with a staff of 4 permanent and 6 seasonal professionals involved in fish and wildlife habitat, watershed, mineral/geothermal resources, and recreation management programs.

During my 10 years with the USFS my responsibilities included being directly involved in and/or managing staff personnel to accomplish the following:

1. Stream channel habitat and stability assessments to: (a) establish baseline watershed conditions and (b) evaluate habitat conditions within active land use projects. Typical land use projects included timber harvest, road construction, mining, and livestock grazing (within allotments). Assessment activities involved:
 - a. Physically walking stream channels on both national forest and private land in watersheds within the District or National Forest boundary. Tasks included observing and documenting (in writing and with photographs) the stream channel and riparian area or designated buffer characteristics.
 - b. Identification of active and potential erosion hazard areas and/or landslides within the stream corridor.
 - c. Identification of human-caused impacts to fish and wildlife habitat including the type and location of human-made fish migration barriers.
 - d. Establishing and maintaining a data base to store the stream channel/corridor information collected. This data base was used to provide input to Environmental Assessments, Environmental Impact Statements, and other land use planning documents.
2. Fish and wildlife habitat identification and delineation. This activity included:
 - a. Conducting fish population and aquatic organism assessments to determine existing conditions and establish a baseline inventory.
 - b. Identification and delineation of wetland habitat as well as documentation of wildlife use within wetland habitats.
 - c. Establishing and maintaining a data base to store the habitat information collected. This data base was used to provide input to Environmental Assessments, Environmental Impact Statements, and other land use planning documents.
3. Water quality and quantity monitoring to: (a) establish baseline information and (b) assess ongoing land use activities. This program involved:
 - a. Locating and establishing permanent monitoring stations, collecting water samples, and measuring stream flows. Data collected was used to establish background water quality conditions and hydrologic regimes within watersheds managed primarily by the USFS.
 - b. Locating and establishing temporary monitoring stations to collect water quality and quantity information upstream and downstream of active land use projects. The data collected was used to monitor for project related water quality degradation as it occurred and implement immediate impact prevention measures.
 - c. Maintaining and using a variety of field instruments for collecting various water quality parameters.
 - d. Constructing and maintaining water quantity gauging stations as well as measuring water flow.
 - e. Setting up, maintaining, and collecting data from precipitation gauges.
 - f. Establishing and maintaining a water quality lab as well as using laboratory equipment to analyze samples collected at the monitoring stations.
 - g. Maintaining a water quality and quantity data base to store information collected as part of baseline inventory projects and as part of ongoing efforts to eliminate or minimize land use activity impacts.

4. Watershed analysis reports including assessment of flood damage and proposals for flood damage restoration.
 - a. This activity also included runoff modeling to assess the impact of proposed land use activities on stream channel habitat, stream hydrology, and human-made structures such as culverts and bridges.
 - b. Modeling results were also provided to engineering staff to assist with road drainage and channel crossing design.
5. Field evaluation of proposed road alignments, including identification and delineation of wetland habitat, stream crossing, and potentially unstable slopes. Making recommendations for alternative routes to avoid or minimize environmental impacts associated with proposed road construction projects.
6. Providing technical input related to stream crossing, road drainage, and erosion control design elements for road construction projects;
7. Preparation and submittal of written reports related to existing conditions within and downstream of proposed land use activities with specific emphasis on recommended "best management practices" intended to avoid or minimize adverse environmental impacts that could potentially, or were likely to, result from project implementation;
8. Preparation and submittal of habitat impact mitigation and/or restoration plans.
9. Preparation and submittal of portions of Environmental Assessments, Environmental Impact Statements, and Long Range Land Use Planning documents.

Following my resignation from the USFS in 1994 I started Watershed Dynamics, using my previous 10 years experience to provide environmental consulting services to both public and private sector clients. For the past 28 years the primary focus of my consulting has been assessment, management, and restoration of stream channel and wetland habitat as well as providing technical expertise to interdisciplinary project design teams. I have provided, and continue to provide, consulting services including:

- Onsite and near-site evaluation to identify, delineate, and classify stream and/or wetland habitats/habitat types within and/or immediately adjacent to proposed land use projects.
- Preparation and submittal of written reports used by clients in project planning and design as well as agency permit application submittals.
- Preparation of project design alternatives focused on stream and/or wetland habitat and buffer impact avoidance or minimization.
- Attendance at client meetings with Federal, state, and local regulatory staff. This has included preparation and presentation/submittal of pertinent environmental information used in agency evaluation of proposed land use projects and, once permitted, specific agency permit conditions and/or requirements.
- Stream/wetland habitat and buffer impact mitigation/restoration design and permit acquisition. This has included Federal, state, and local agency stream and wetland habitat/buffer restoration projects.
- Mitigation/restoration project construction management, including environmental monitoring required by agency permits (i.e. NPDES/SWPPP).
- Post-construction performance monitoring, with report preparation for periodic submittal to permitting agencies.

My 38-year environmental "consulting" career has afforded me the opportunity to work on projects in Washington, Oregon, Idaho, Colorado, and California including the evaluation of over 300 miles of stream channels. I have had the opportunity to work on a variety of projects involving forest land management activities, commercial and residential developments, highway/road projects, electrical transmission lines, fiber optic cable installations, hydroelectric project relicensing, dredge mining sites, and numerous stream and wetland habitat restoration projects.

I have also functioned as the contracted "environmental" staff person for several small municipalities in King and Pierce counties. The majority of my assignments involved review of proposed private development projects, SEPA Checklists and other environmental documents, and mitigation plans to assure compliance with local agency development regulations. I have also provided code enforcement assistance specifically related to the wetland and aquatic habitat portions of local critical areas regulations. Further, in 2004 through 2005 I worked with Matt Mathis on the development and passage of the revised Critical Areas Ordinance for the City of Enumclaw, a Washington Department of Ecology requirement.

ENCLOSURE 3

April 17, 2013

Shana Crick
City of Mercer Island
Development Services Group
9611 SE 36th Street
Mercer Island, WA 98040

Re: Coval Property – Peer Review of Critical Areas Study

Dear Shana:

This letter presents the findings of an environmental review of a critical area study, which was conducted on the Coval Property, located at 3051 84th Avenue SE in the City of Mercer Island. The following report documents were reviewed for this study:

Critical Areas Review: Coval Property, prepared by Watershed Dynamics, dated March 30, 2013.

Methods

The provided critical areas study was reviewed. Additionally, public-domain information on the subject property was also reviewed for this study. These sources include USDA Natural Resources Conservation Service Soil maps, U.S. Fish and Wildlife Service National Wetland Inventory (NWI) maps, City of Mercer Island GIS maps, and King County's GIS mapping website (iMAP).

I visited the site on April 15, 2013 to review site conditions reported by Watershed Dynamics.

Findings

The subject property is 5-acres; it contains a single-family residence and accessory buildings. The critical areas study provided by Watershed Dynamics (the report) for this property, does not address all onsite and adjacent critical areas. Only one of two mapped watercourses in the immediate vicinity is discussed. As shown on the enclosed GIS map, two watercourses are mapped in the project vicinity, one (Type 2) onsite and one (Type 3) east of the right of way for 84th Avenue SE. Additionally, although wetland conditions were observed onsite, wetlands are not mentioned in the report.

Onsite Watercourse

A Type 2 watercourse is mapped by the City within a natural ravine in the central portion of the subject property. Flows through the ravine enter the property via a

culvert near the south property boundary/SE 32nd Street. There is a box culvert under the interior dirt road and a culvert at the north property boundary. The ravine from upslope (south) to down-slope (north) is shown in the photos below.



Mapped Type 2 Watercourse: onsite segment from top to bottom (clockwise). 1) inlet culvert at the south end, 2) alluvial sediment deposition, 3) box culvert under interior road, 4) looking south at yard waste on north end of box culvert, 5) flow path, 6) sediment deposition and outfall culvert at the north end.

Water was not flowing through the ravine on the day of my site visit. Periodic flow is evidenced by sediment deposition and limited scour, which was seen in patches along the length of the ravine. However, the channel is ill defined and lacks distinct banks. Fallen leaves and yard clippings obscured much of the flow path. No open channels were observed immediately above or below the subject property. An open channel was noted a few blocks downslope of the subject property, approaching SE 28th Street; this feature appears to be accurately mapped as a Type 3 seasonal watercourse.

Some onsite areas within the ravine were inundated or saturated at or near the surface. These areas are described in the wetland section below.

Offsite Watercourse

The Type 3 watercourse mapped east of 84th Avenue SE was not documented or discussed in the report. The buffer of this watercourse may encumber the subject property. This mapped feature needs to be addressed in the report.

Wetlands

A pond north of the residence is mapped by NWI as an impounded wetland, L1UBHh (Lacustrine Limnetic Unconsolidated Bottom Permanently Flooded Diked/Impounded). This feature appears to be constructed; the pond edges are lined with rock. Water flows from the upper to the lower pond via a watercourse-like channel. Observed conditions indicate that water is likely pumped and re-circulated within the pond. The source of hydrology is not evident. No natural wetlands were observed in the immediate vicinity of the pond.



Pond: (left) looking NE from the west edge; (right) looking SE from the west edge.

In addition to the pond, wetland conditions were observed in association with the mapped onsite watercourse. Standing water, saturated soils and a high ground water table was observed both above and below the interior dirt road (See photo documentation below). Vegetation in wet areas is characterized by osoberry, English holly, iris, lady fern, creeping buttercup, and at least one skunk cabbage.



Wetland Conditions: (left) standing south of the dirt road, looking downslope; (right) standing north of the dirt road, looking NE [Note: yellow skunk cabbage (OBL) near the center of this photo.]. Dark patches in each photograph are standing water/saturated soils.

Conclusions

The onsite watercourse is clearly not perennial as mapped. The natural ravine does form a course or route along which surface waters flow. As evidenced by poor channel definition, it flows intermittently, presumably in low volume. Per the city's definition (MIMC 19.16.010) watercourses are (bold emphasis added):

*"A course or route, formed by nature and **generally consisting of a channel with a bed, banks, or sides through substantially all its length**, along which surface waters, with some regularity (annually in the rainy season), naturally and normally flow in draining from higher to lower lands. The definition does not include irrigation and drainage ditches, grass-lined swales, canals, storm water runoff devices, or other courses unless they are used by fish or to convey waters that were naturally occurring prior to construction."*

Although surface water is evidently conveyed through the ravine, flows are not substantial enough to produce a distinct bed and banks *through substantially all its length*. Based on my interpretation of the definition above, this feature is not a regulatory watercourse.

The offsite watercourse needs to be evaluated to determine if buffer encumbrances are applicable under the city code.

Although the pond appears to be a constructed feature built out of non-wetland area, it does appear on NWI maps and should therefore, be addressed in the critical areas report.

The observed wetland conditions within the ravine, including springtime hydrology, above and below the interior dirt road should be investigated and documented in a revised report.

Recommendations

The following report edits and additions are recommended:

1. Evaluate, document and classify onsite wetland areas in the ravine to inform the applicant of jurisdictional wetland status, regulatory wetland boundaries, and associated buffer widths.
2. Evaluate the pond to determine its jurisdictional status and acknowledge the NWI notation. If non-jurisdictional, provide reasoning for this conclusion.
3. Evaluate and document the offsite watercourse, east of 84th Ave SE to determine any onsite buffer encumbrances.

Please call if you have any questions or if I can provide you with any additional information.

Sincerely,

A handwritten signature in dark ink, appearing to read "Nell Lund".

Nell Lund, PWS
Ecologist

Enclosures



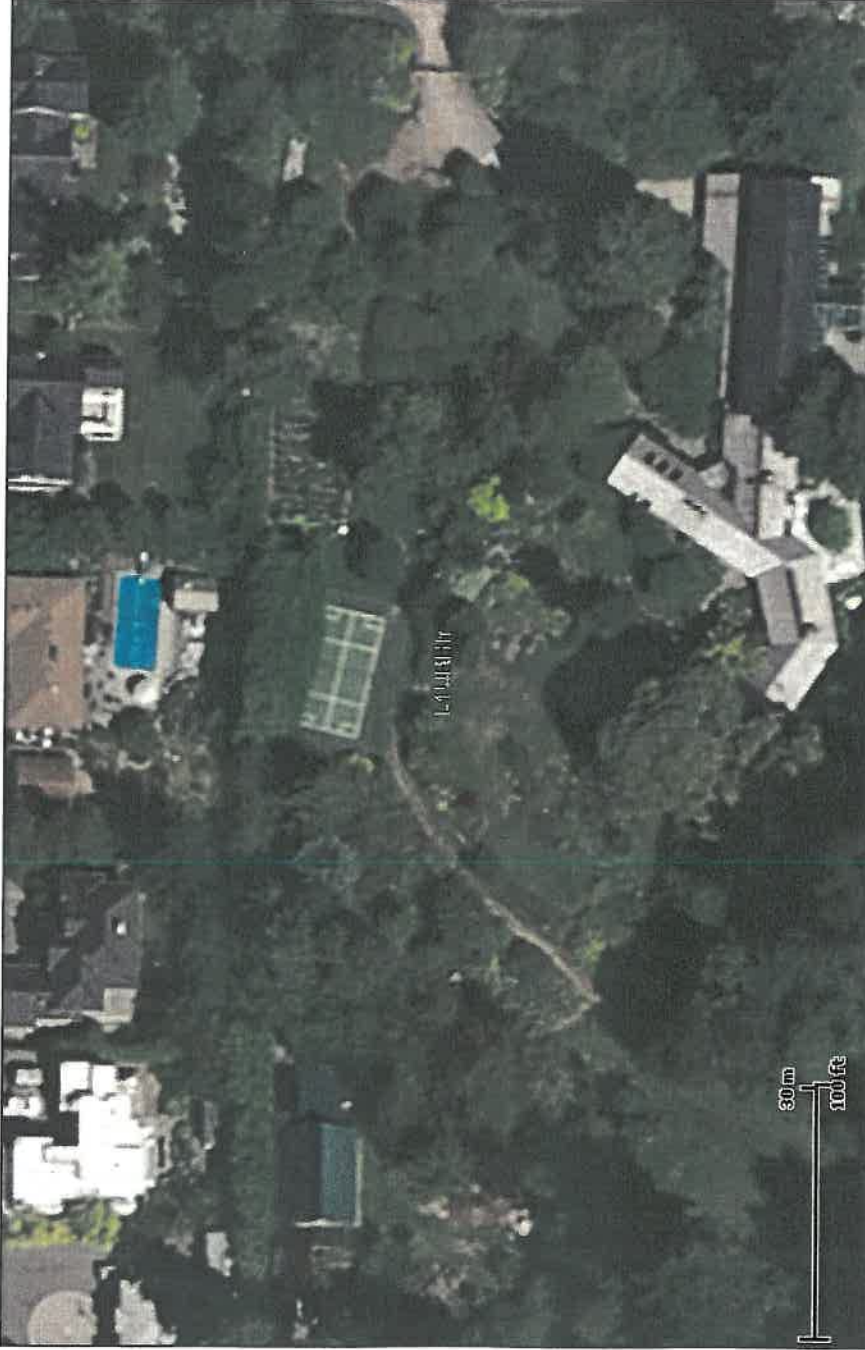
U.S. Fish and Wildlife Service

National Wetlands Inventory

Apr 15, 2013

Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other



This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

User Remarks:

WATERSHED DYNAMICS

Post Office Box 215, Enumclaw, Washington TEL 360.825.9253 FAX 360.825.9248

DATE:	May 2, 2013	HARD COPY SENT:		YES	X	NO
E-MAIL:	atlin@qwestoffice.net	E-MAIL COPY SENT:	X	YES		NO
TRANSMITTAL	PAGES SENT INCLUDING COVER PAGE:		6			
SUBJECT:	Wetland Review at the Coval Property					
TO:	Mr. Wes Giesbrecht, President Atlin Investments, Inc.					
FROM:	Larry D. Burnstad, Senior Environmental Consultant					
PROJECT NAME:	Critical Areas Review: Coval Property					
PROJECT NUMBER:	Watershed Dynamics Project No. 2013001					

On March 28, 2013 I conducted a field review of the Coval property located at 3051 – 84th Avenue SE, Mercer Island, Washington. The purpose of that review was to determine if there were critical areas located within the property, specifically the presence of a Type 2 Watercourse shown on the City of Mercer Island (City) Watercourse Type Map.

As a result of my field investigation, which included a review of properties south and north of the subject property, I presented my findings in a March 30, 2013 Critical Areas Report. Based on my investigation I determined there was not a Type 2 Watercourse within the Coval property.

I did not report any findings related to other regulated critical areas such as wetlands, fish and wildlife habitat conservation areas, flood hazard areas, or geologic hazard areas. I did not find any evidence of wetlands or fish and wildlife habitat conservation areas within, or in close proximity to, the Coval property. My professional training and expertise qualifies me to evaluate and report on watercourses, wetlands, and fish and wildlife habitat conservation areas.

My March 30, 2013 report was reviewed for the City by the Watershed Company. In their April 17, 2013 memo the Watershed Company indicated concurrence with my findings related to the Type 2 Watercourse. In addition, the memo discussed the presence of a Type 3 Watercourse located east of the subject property in a City park (*see Page 3*) and potential wetlands within the subject property (*see Page 3 and Page 4*).

On Page 5 of their memo, the Watershed Company recommended evaluation of:

1. The “onsite wetland areas in the ravine” originally mapped by the City as a Type 2 Watercourse,
2. A “pond” that is shown in the U.S. Fish and Wildlife Service National Wetland Inventory (NWI) data base as a L1UBHh (Lacustrine, Limnetic, Unconsolidated Bottom, Permanently Flooded Diked/Impounded) wetland, and
3. A Type 3 Watercourse located in the City park east of 84th Avenue SE.

The following is provided in response to those recommendations, starting with the last item first.

ITEM 3: There is a Type 3 Watercourse located on the east side of 84th Avenue SE, but it is actually located further east of the road than shown on the City Watercourse Type Map. The channel is also more than 35 feet east of the east edge of the pavement (84th Avenue SE) and more than 60 feet east of

the east property line of the subject property. Therefore, the presence of the Type 3 Watercourse will not be an issue with respect to any future development of the subject property.

ITEM 2: According to an article copyrighted by David Paul Eck in 2012, the “pond” that appears on the NWI map is a human-made feature. The pond is located at the original site of the 1913 Alexander house and was the wine cellar for that house. In 1948 the Alexander house was removed and the new house was constructed in its present location. The property owners (the Starrs) converted the wine cellar into a swimming pool.

In 1982 when the Coval’s purchased the property, the swimming pool remained until they remodeled the house and added an indoor pool at the west end. Rather than filling the wine cellar/swimming pool, the Coval’s elected to convert the pool into a koi pond.

Using a design created by John Fish (*their indoor pool designer*) the koi pond was constructed using of massive pieces of Hansen Creek Quarry granite, rebar, and gunite,. The water in the pond is circulated and filtered by a pumping system located in an underground vault near the pond.

During my site visit I inspected the outer edge of and looked at the visible pond bottom. I confirmed the structure was a combination of large rock and gunite. I observed several koi in the pond as well as a wide variety of plants within and along the edges of the pond.

CONCLUSION: Based on the article I reviewed and my field observations, I have concluded the “pond” does not meet the criteria required to be a regulated or jurisdictional wetland.

ITEM 1: With respect to the potential wetland noted by the Watershed Company on April 15, 2013 I offer the following:

There are three features (wetland indicators) that must be present for a wetland to be delineated. The indicators are the presence of:

- Hydrophytic (*wetland*) vegetation that is dominant in the vegetative community,
- Hydric soils (*soils that have evolved in the presence of wetland hydrology*), and
- Wetland hydrology (*inundation or saturation in the upper 12 inches of the soil column*), which is present for a minimum of 14 consecutive days during the growing season and under conditions of normal precipitation.

The Coval property is a managed landscape with a majority of the plant species being non-native. There have been gardeners/landscape management personnel present each of the four times I have visited the property. The lawn appeared to be mowed and the flower beds cultivated frequently.

The vegetation in the “ravine”, which is located in the western portion of the subject property, has been and continues to be managed as part of the landscaping within the subject property. Most of the plants in the ravine are non-native plants and not hydrophytic. Two large black cottonwood (*Populus trichocarpa*), some dandelion (*Taraxacum officinale*), and some buttercup (*Ranunculus repens*) were observed. Cottonwood and buttercup are hydrophytic (FACW) species, dandelion is not. None of these species were “dominant” in the ravine. The buttercup was sparse throughout the ravine and the two cottonwood were south of the interior pathway mentioned in the Watershed Company report.

As is the case over the entire property, the bottom of the ravine is weeded and cultivated regularly so there is very little groundcover except in those areas managed for non-native groundcover species. A majority of the bottom of the ravine is covered with leave litter (mulch) to reduce weed growth, although there were some areas of bare ground.

I spoke with one of the landscape maintenance personnel who had worked on the subject property for over 10 years. He indicated much of the soil in the ravine had been augmented with organic compost and sand to enhance plant growth. He also indicated there was an irrigation system along both sides of the ravine that is active throughout the late spring to late fall when there was insufficient precipitation to maintain healthy plants.

Based on my observations and the information regarding the extent of "manipulation" within the ravine any wetland evaluation would have to be conducted using the "Atypical Situations" protocol defined in the 1987 US Army Corps of Engineers Wetland Delineation Manual and the accompanying Supplement for Western Mountains, Valleys, and Coast Region. The protocol are also defined in the 1997 Washington Department of Ecology Wetland Identification and Delineation Manual.

When I visited the site on March 28, 2013 there were no wetland indicators present. I walked through the ravine on the Coval property and did not see what was noted by the Watershed Company south of the interior pathway. The following information is relevant:

- During the 14 days prior to my site visit the observed precipitation at the SeaTac weather station totaled 1.46".
- Normal precipitation total for that time period is reported by the National Oceanographic and Atmospheric Agency (NOAA) to be 1.66".
- The observed precipitation was 88% of normal. Precipitation amounts between 70% and 130% of normal are defined as "normal conditions".

The Watershed Company conducted their site review on April 15, 2013 and reported standing water in the area upslope (south) of the interior pathway.

- During the 14 days prior to my site visit the observed precipitation at the SeaTac weather station totaled 4.54".
- Normal precipitation total for that time period is reported by the National Oceanographic and Atmospheric Agency (NOAA) to be 1.41".
- The observed precipitation was 322% of normal. Precipitation amounts less than 70% or greater than 130% of normal are not within the range defined as "normal conditions".

I visited the site on April 22, 2013 to review the information provided by the Watershed Company. I reviewed the potential wetland area noted in their report and found saturated soil, but did not observed inundation. I excavated a soil pit in the bottom of the ravine approximately 50 feet south of the interior pathway. There was standing water in the pit even with the ground surface.

- During the 14 days prior to my site visit the observed precipitation at the SeaTac weather station totaled 2.60".
- Normal precipitation total for that time period is reported by the National Oceanographic and Atmospheric Agency (NOAA) to be 1.29".
- The observed precipitation was 201.5% of normal. Precipitation amounts less than 70% or greater than 130% of normal are not within the range defined as "normal conditions".

I returned to the site on April 26, 2013 to continue my investigation of the potential wetland reported by the Watershed Company. I was looking for evidence of hydrophytic vegetation, hydric soils, and wetland hydrology. My findings are presented below:

HYDROPHYTIC VEGETATION: The limited vegetation in the bottom of the ravine as well as the lack of vegetation within sampled plot (1 square meter centered on Soil Pit #5) required the use of only two indicators, hydric soils and wetland hydrology, to identify and delineate a wetland.

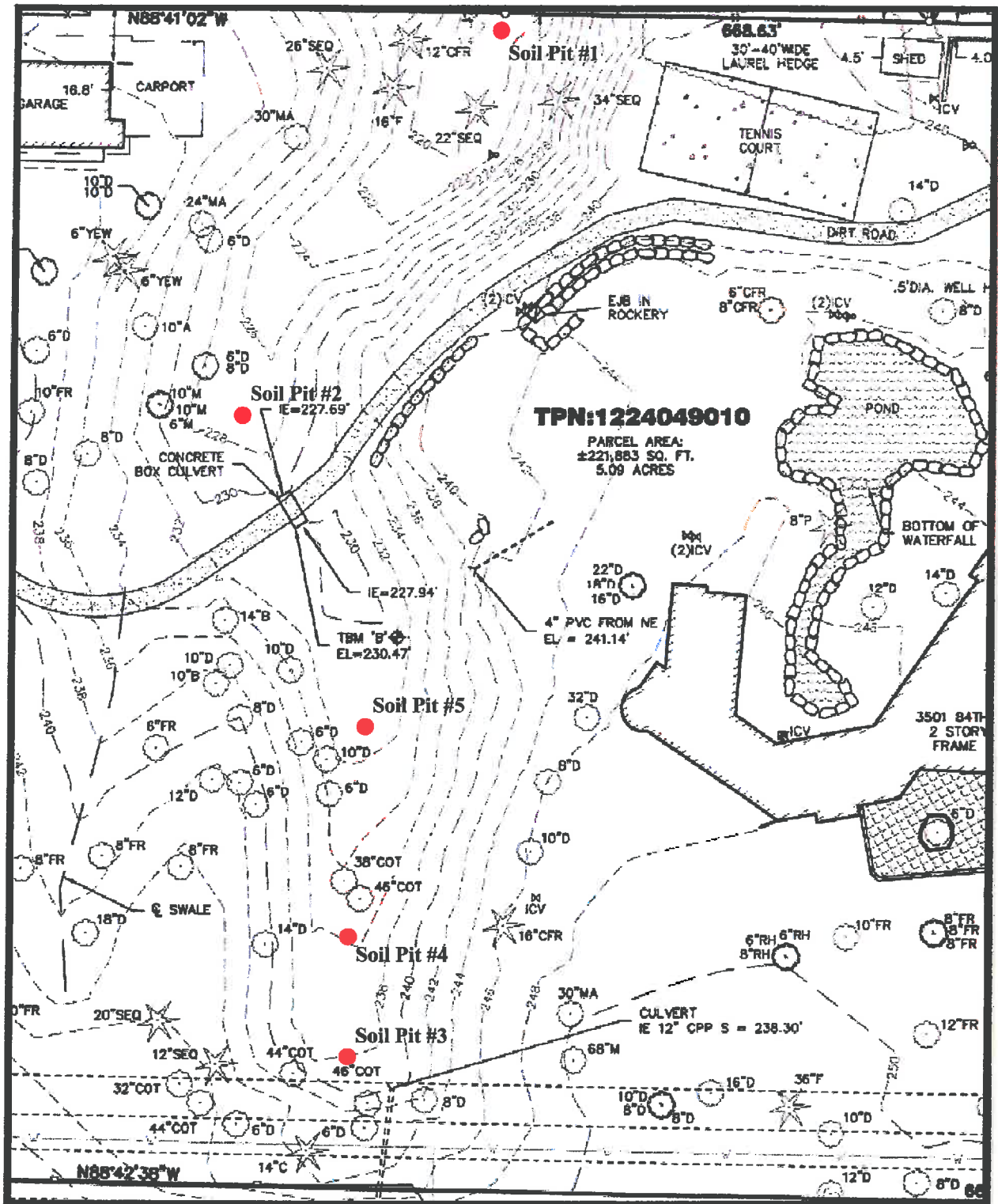


FIGURE 1: Portion of survey completed by Axis Surveying and Mapping 04/12/13

HYDRIC SOILS: I excavated 4 additional soil pits in the bottom of the ravine (*see Figure 1 above*). Two pits were located north of the interior pathway and two were located to the south.

- Soil Pit #1 was located approximately 15 feet south of the inlet to the drainage pipe under the property immediately north of the Coval property.
- Soil Pit #2 was located approximately 20 feet to 25 feet north of the interior pathway.
- Soil Pit #3 was located approximately 40 feet north of the south property line fence in an area where the Watershed Company reported the presence of sediment deposits.
- Soil Pit #4 was located approximately 85 feet north of the south property line fence. This pit was approximately 10 feet south of one of the two large cottonwood trees.
- Soil Pit #5 was located approximately 45 feet south of the interior pathway in the area noted by the Watershed Company as indicative of a potential wetland due to observed standing water.
- NOTE: The soil in Pit #5 was marginally hydric (10YR 3/1+ from 0" to -8" without mottles and 10YR 4/2 from -8" to -16" without mottles).

WETLAND HYDROLOGY: There was no evidence of wetland hydrology in any of the four pits. There was standing water 8 inches below the ground surface when I excavated Soil Pit #5 on April 26, 2013.

- During the 14 days prior to my site visit the observed precipitation at the SeaTac weather station totaled 2.14".
- Normal precipitation total for that time period is reported by the National Oceanographic and Atmospheric Agency (NOAA) to be 1.21".
- The observed precipitation was 177% of normal. Precipitation amounts less than 70% or greater than 130% of normal are not within the range defined as "normal conditions".
- Wetland hydrology was also problematic because there had been greater than normal precipitation during the 14 days preceding each of the April site visits. Precipitation records from October 1, 2012 (beginning of the Water Year) through April 28, 2013 reported total precipitation as 36.06 inches and normal total precipitation 30.76 inches. For the Water Year to date precipitation was 117% of normal, which is within the parameters for "normal conditions" while precipitation prior to the site visits was above normal precipitation.
- Based on the information I have presented above and the graph on the next page, it is my professional judgment that wetland hydrology is not present during "normal conditions" as required for there to be a wetland identified and delineated. As shown on the graph, the near-surface groundwater recedes as the recorded precipitation approaches normal conditions. The trend in the water level line indicates standing water would be below -12 inches when the precipitation reaches normal conditions.

INSERT GRAPH

CONCLUSION

1. Based on my review of the NOAA SeaTac precipitation records I have concluded the standing water observed by the Watershed Company and my observations of the near-surface groundwater in Soil Pit #5, the requirement for wetland hydrology would not be met during periods of “normal precipitation”.
2. Groundcover vegetation in the bottom of the ravine was limited (sparse) and the majority of the species present were non-native ornamental plants. There were scattered buttercup and dandelion in the ravine, but neither were the dominant species in any location. The dominant shrub species was Indian plum or Osoberry (*Oemleria cerasiformis*), which is not a hydrophytic species. As noted earlier there were two very large cottonwood south of Soil Pit #5, but their size strongly suggests a deep root system not dependent on near-surface hydrology.
3. The soil characteristics in Soil Pit #5 were marginally hydric, but there was no evidence of iron depletion or concentration typically associated with soils exposed to longer periods of inundation or saturation.
4. The area within the ravine is managed along with the rest of the property to maintain a high quality landscaped environment. This landscape management activity has been ongoing since the Coval's have owned the property.
5. The basin hydrology has been significantly altered by residential development south of the Coval property. There is a stormwater detention vault located immediately south of the Coval property that discharges onto the Coval property approximately 35 feet north of the south property line. The vault is designed to retain most precipitation events and discharges during high volume events.

As previously noted, the observed precipitation during the 14 days prior to the Watershed Company site visit was 322% of normal. It is highly probable the detention vault capacity was surpassed several times during that time period. The flow is concentrated by the 12-inch diameter outflow from the vault and the area surround Soil Pit #5 is the first low area where water could concentrate down slope from the outfall.

The lack of discharge from the vault in the days following the Watershed Company's observations, the water percolated into the soil to the level I observed 11 days later.

These factors appear to explain the presence of the “sediment deposits” and “standing water” observed by the Watershed Company.

In conclusion, based on my review of the available information (*published and personal communications*) and my field observations, I have determined there are no regulated wetlands in the ravine or in any other location on the Coval property.

WATERSHED DYNAMICS

Post Office Box 215, Enumclaw, Washington TEL 360.825.9253 FAX 360.825.9248

DATE:	June 11, 2013	HARD COPY SENT:		YES	X	NO
E-MAIL:	atlin@qwestoffice.net	E-MAIL COPY SENT:	X	YES		NO
TRANSMITTAL	PAGES SENT INCLUDING COVER PAGE:		6			
SUBJECT:	June 6, 2013 Site Review					
TO:	Mr. Wes Giesbrecht, President Atlin Investments, Inc.					
FROM:	Larry D. Burnstad, Senior Environmental Consultant					
PROJECT NAME:	Critical Areas Review: Coval Property					
PROJECT NUMBER:	Watershed Dynamics Project No. 2013001					

This memo has been prepared to provide information reaffirming the conclusions presented in my May 2, 2013 memo. That memo documented my responses to concerns raised by the Watershed Company in a April 17, 2013 memo to the City of Mercer Island (City). In my May 2nd memo I stated I did not believe there were any regulated or jurisdictional wetlands within or in close proximity to the Coval property because, under normal circumstances, none of the areas investigated would exhibit all three wetlands characteristics. The three characteristics are:

1. a dominance of hydrophytic plant species,
2. wetland hydrology, defined as inundation or saturation in the upper 12 inches of the soil column for 14 consecutive days during the growing season, and
3. the presence of hydric soils.

The following is offered as in support of and as clarification for the conclusions I presented on May 2, 2013.

1. March 28, 2013: Watershed Dynamics completed an investigation of the potential "watercourse" upstream of, within, and downstream of the Coval property. Included walking through the entire ravine located in the western portion of the subject property. No areas of standing water or saturated soil were observed in the ravine.
2. March 30, 2013: Submitted memo documenting watercourse study methods and findings to Atlin Investment. That memo was submitted to the City of Mercer Island (City) and reviewed by the Watershed Company.
3. April 15, 2013: Watershed Company conducted site review.
4. April 17, 2013: Watershed Company submitted memo to City of Mercer Island (City) that included a request for additional information regarding a potential wetland located in the ravine south of the equipment path.
5. April 22, 2013: Watershed Dynamics walked the entire ravine from south to north looking for evidence of wetland plants and/or saturated/inundated soils. The following items were observed:
 - a. The area in the bottom of the ravine, approximately 2,500 square feet to 2,800 square feet appeared to be regularly maintained.

- b. Maintenance appeared to include soil tilling and “weed” removal. This observation was confirmed during conversations with the lead landscape maintenance person. He also indicated the soil had been amended with compost, sand, and organic soil to improve plant productivity.
- c. The plant community in the section of the ravine south of the pathway was dominated by non-hydrophytic shrub species, mainly Indian plum (*Oemleria cerasiformis*). There were two large black cottonwood (*Populus balsamifera*) located approximately 60 feet south of the path. Black cottonwood can be indicative of wetland habitat, but can also grow in areas with deeper water tables.
- d. The few emergent species observed in this area were dandelion (*Taraxacum officinale*) and buttercup (*Ranunculus* sp.). The former is an indicator of upland habitat and the latter is listed by the U.S. Army Corps of Engineers as a wetland habitat indicator.

NOTE: *Based on my observations over the past 30 years, I consider buttercup a poor wetland indicator because it requires minimal soil moisture, grows in shaded areas that are not wetland habitat, and has been observed growing in the cracks and joints of concrete sidewalks/driveways. When buttercup is the only “wetland” indicator species present, I typically want to see strong indications of hydric soil and wetland hydrology before I define an area as wetland.*

In all but one area of the ravine where I observed buttercup, I did not find wetland hydrology or hydric soils.

- e. I walked the entire ravine and found evidence of wetland hydrology only in the area noted in the Watershed Company memo. I observe standing water and saturated soils in an area approximately 8 to 12 feet wide that extended 40 to 50 feet south of the equipment path.
- f. I excavated a soil pit approximately 40 feet south of the path and observed standing water within 0.5-inches of the ground surface. Under normal circumstances this would have been indicative of wetland hydrology.

NOTE: *Rainfall amounts ranging from 70% to 130% of normal (average) precipitation are considered “normal circumstances” by the U.S. Army Corps of Engineers.*

- g. In addition, the dominant plant observed was Indian plum (*Oemleria cerasiformis*). There were one or two buttercup growing in this area along with a small patch of yellow flag iris (*Iris pseudoacorus*) along the east side of the area. The U.S. Army Corps of Engineers designates:
 - i. Indian plum as an upland habitat indicator.
 - ii. Buttercup as a wetland habitat indicator (*see note above*).
 - iii. Yellow-flag iris as a wetland indicator
 - h. The soil was too wet to conclusively determine if the soil in the sample pit was hydric.
6. April 24, 2013: Watershed Dynamics visited the NOAA internet site to collect SeaTac weather station precipitation data for the 14 day periods prior to March 28th, April 15th, and April 22nd. The following information was collected:
- a. During the 14-day period prior March 28th a total of 1.46” of precipitation (~88% of normal) was measured at the NOAA Weather Station at SeaTac Airport.
 - b. During the 14-day period prior to April 15th a total of 4.54” of precipitation (322% of normal) was recorded.
 - c. During the 14 day period prior to April 22nd a total of 2.60” of precipitation (201.5% of normal) was recorded.
7. April 26, 2013: Watershed Dynamics returned to the site to evaluated near-surface hydrology and the soil characteristics in the previously excavated soil pit.

- a. During the 14 day period prior to April 26th a total of 2.14" of precipitation (177% of normal) was recorded.
8. May 2, 2013: Watershed Dynamics submitted a memo to Atlin Investments, Inc. This report documented the results of the April 22, 2013 and my conclusions with respect to the potential wetland:
 - a. Wetland Hydrology
 - i. The water level in the soil pit had dropped approximately 8 inches during the 4 days between site visits.
 - ii. Precipitation during the 14 days prior to April 26th the precipitation recorded at SeaTac was approaching the "normal range" although still above normal.
 - iii. Based on this information I concluded the requirement for 14 consecutive days of inundation or soil saturation in the upper 12 inches of the soil column under normal circumstances probably would not be met.
 - b. Hydric Soils
 - i. Hydric soil indicators were marginal.
 - ii. Soils in the upper 8 inches were mixed with no distinct horizons.
 - iii. Soil color was 10YR 3/1 to 3.2 with no mottles.
 - iv. Soil texture was sandy loam with evidence of prior soil amendment.
 - c. Hydrophytic Plants
 - i. There were two buttercup within the 450 square foot to 500 square foot area. Buttercup is a poor wetland indicator and, in this case, was not the dominant species.
 - ii. There was a patch of yellow-flag iris on the eastside of the ravine, but it was also not the dominant species. Additionally, yellow-flag iris is a commonly used landscape plant in areas that are shaded and stay moist during most of the growing season.
 - iii. The dominant species was Indian plum, an upland habitat indicator.
 - d. Based on the observations of the three parameters I concluded the area suspected of being a wetland was, in fact, not a wetland because the three parameters were not conclusive indicators of wetland habitat. Although the site has been significantly manipulated, requiring the use of "Atypical Situations" protocol, no single parameter was conclusive enough to warrant delineation of the area as wetland.
 - e. Despite my reservations, I did delineate the area in question so it could be surveyed. The survey determined the potential wetland was 447 square feet in size, which is less than the size of Category IV Wetlands regulated by the City
9. June 6, 2013: Watershed Dynamics revisited the Coval property specifically to evaluate wetland hydrology in the "potential" wetland.
 - a. During the 14 day period prior to June 6th a total of 0.73 inches of precipitation (91.25% of normal) was recorded. This amount of precipitation would be considered "normal".
 - b. I excavated two soil pits within the area and found no standing water on the ground surface or in the soil pit to a depth of 14" to 16". There was no evidence of seeps and the soil in the pit was not saturated.

In conclusion, I believe my June 6th findings reaffirm the conclusion presented in my May 2, 2013 memo stating there is not a regulated wetland in the area noted in the April 17, 2013 memo from the Watershed Company to the City of Mercer Island. Further, I have concluded there are no regulated or jurisdictional wetlands within or in close proximity to the Coval property.

ENCLOSURE 6

June 17, 2013

Shana Crick
City of Mercer Island
Development Services Group
9611 SE 36th Street
Mercer Island, WA 98040

Re: Coval Property – Follow up to Peer Review of Critical Areas Study

Dear Shana:

This letter presents the findings of a follow up environmental review of a critical area study and new documentation, which was provided in response to my initial review letter, dated April 17, 2013. The following report documents were provided and reviewed for this study of the Coval Property, located at 3051 84th Avenue SE in the City of Mercer Island:

- *Critical Areas Review: Coval Property*, prepared by Watershed Dynamics, dated May 2, 2013.
- *Critical Areas Review: Coval Property*, prepared by Watershed Dynamics, dated June 11, 2013.

Methods

The provided critical areas study addendums were reviewed. Additionally, public-domain information on the subject property was also reviewed for this study. These sources include USDA Natural Resources Conservation Service Soil maps, U.S. Fish and Wildlife Service National Wetland Inventory (NWI) maps, City of Mercer Island GIS maps, and King County's GIS mapping website (iMAP).

I visited the site on June 14, 2013 to review site conditions reported by Watershed Dynamics. On that day I met with you, Larry Burnstad of Watershed Dynamics, Wes Giesbrecht of Atlin Investments, and the project architect, Fred Glick.

Findings

The submitted reports satisfactorily address all remaining critical area issues identified in my April 17, 2013 letter. The three items addressed in this follow up review are as follows:

1. Suspected wetland areas with the ravine were thoroughly evaluated and found to be non-wetland. Additional hydrology data was provided by Watershed

Dynamics, in addition to landscaping and irrigation details. Finally the June 14 site visit revealed a lack of wetland hydrology indicators within sampled soil pits.

2. The on-site pond, which appears on the National Wetland Inventory, was created by the current property owner and is supported by a water pump system. It is lined with rock and not supported by ground water. It is not a jurisdictional wetland. Per MICC 19.16.010, wetlands do not include artificial wetlands, such as landscape amenities.
3. City maps show an off-site Type 3 stream east of the subject property. As mapped, this stream would have a 35-foot buffer that would encumber the subject property. However, I completed a field investigation of the adjacent park property and did not find any jurisdictional streams within 50-feet of the Coval property.

Conclusions

Documentation provided to date is thorough and complete. No critical areas were found on or in the immediate vicinity of the Coval property; therefore, there are no critical areas or encumbering critical area buffers on the subject property.

Please call if you have any questions or if I can provide you with any additional information.

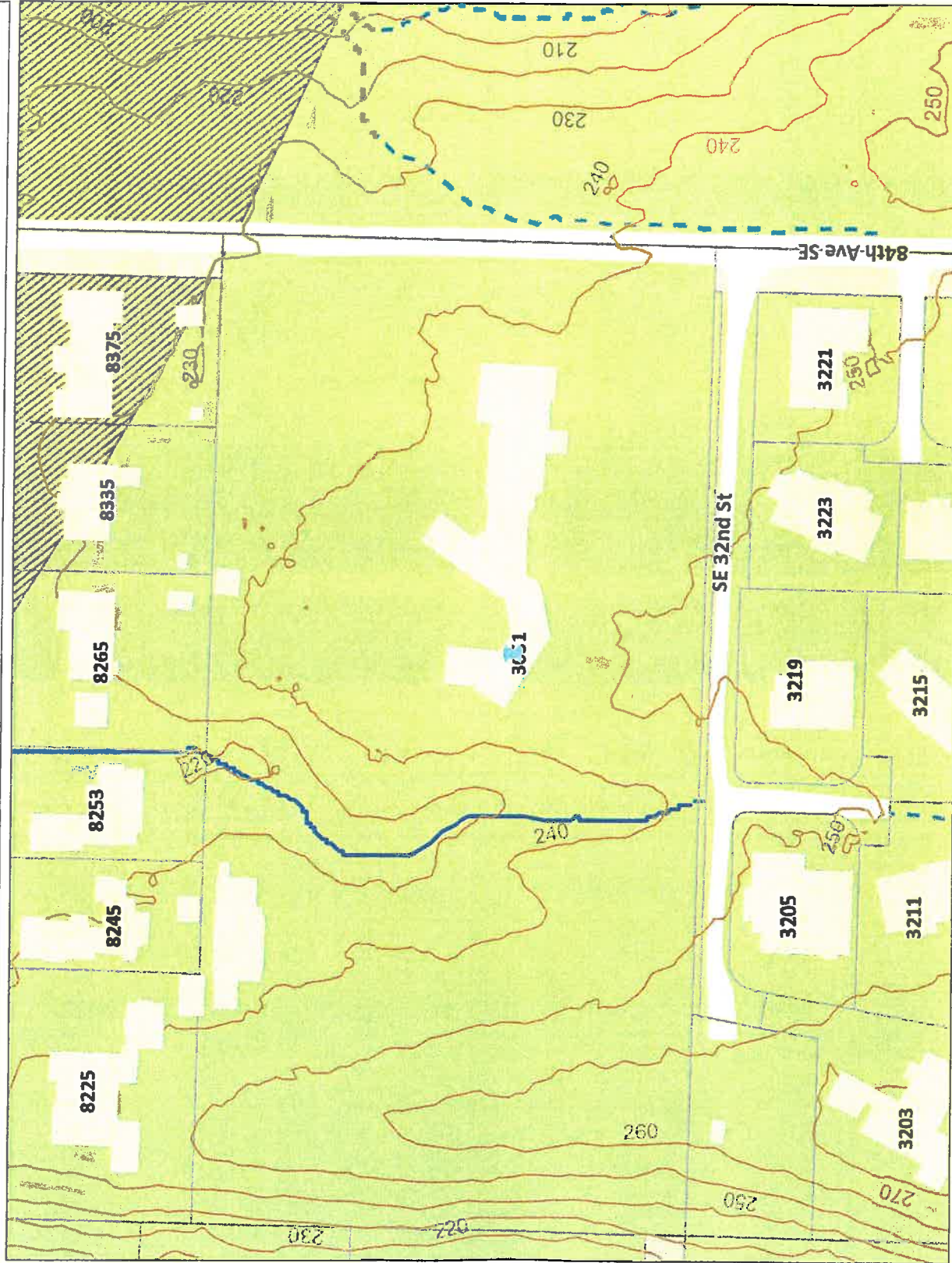
Sincerely,



Nell Lund, PWS
Ecologist

Enclosures

City of Mercer Island



Legend

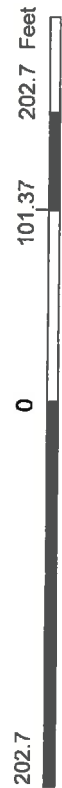
- Address
- Docks (2007)
- Building
- 10ft Contours (2000)
- Ownership Parcels
- Major Roads
- Bridge
- Paved Road
- Streets
- Watercourse
- 1-Potential Fish Use
- 2-Perennial
- 3-Seasonal
- Right of Way
- Wind Exposure
- Wind Speed-Up
- 1.0
- 1.3
- 1.6
- 1.9
- Potential Slide
- Steep Slope
- Seismic
- Erosion
- Exploration Point
- GeoTech Document

1:1,216

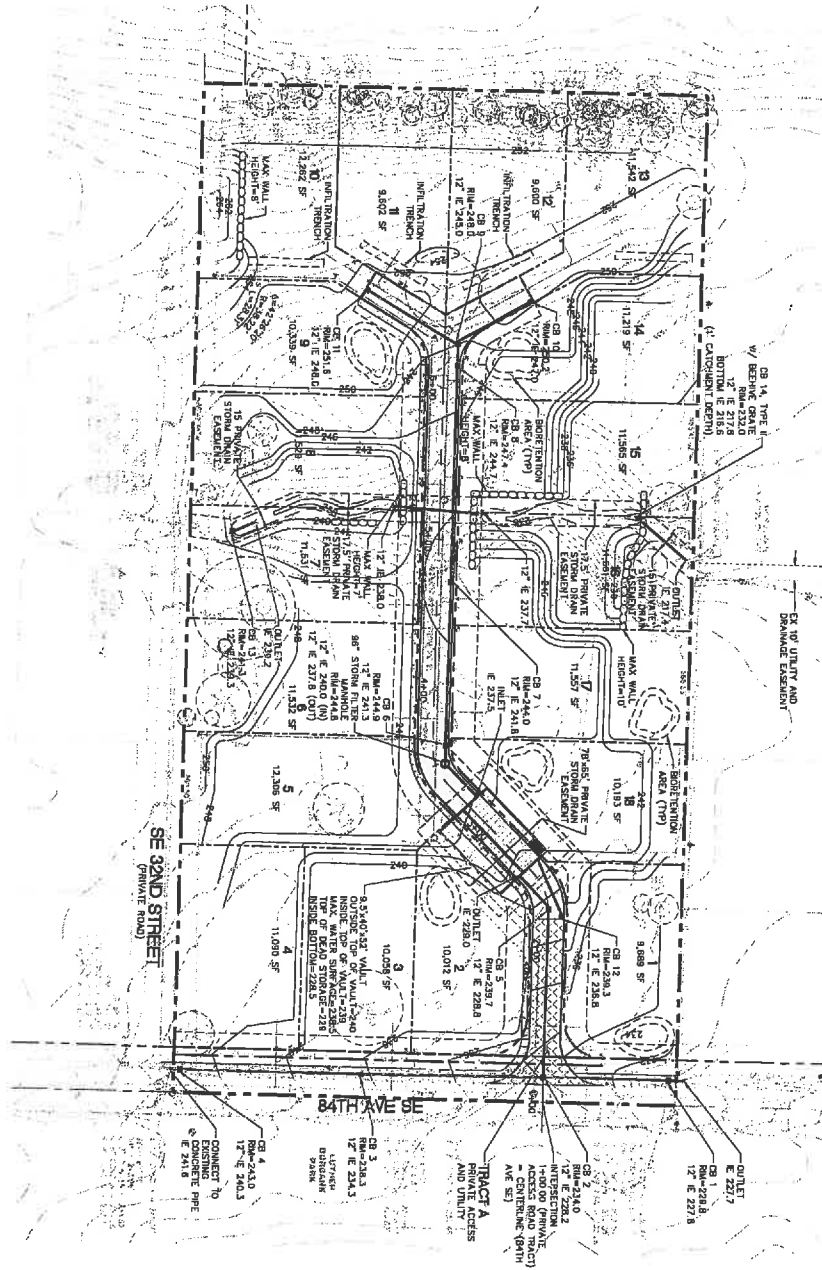
Notes

Coval Property

Disclaimer: These maps were developed by the City of Mercer Island and are intended to be a general purpose digital reference tool. These maps are not an accepted legal instrument for describing, establishing, recording or maintaining descriptions for property concerns or boundaries. The City makes no representation or warranty with respect to the accuracy or currency of these data sets, especially in regard to labeling of surveyed dimensions, or agreement with official sources such as records of survey, or mapped locations of features.



NE 1/4, SEC. 12, TWP. 24 N., RGE. 4 E., W.M.



LEGEND

- PROPERTY LINE
- STORM DRAIN PIPE
- CATCH BASIN TYPE 1
- STORM DRAIN CLEANOUT
- YARD DRAIN
- ROCKERY
- THICK GRADE CONTOUR
- DETENTION WALL
- WALL ACCESS RISER
- STORM/WATER MANHOLE
- DETENTION (APPROX) FOR TREE TO BE RETAINED

TREE LEGEND



NOTES

1. ALL EXISTING DRAIN STRUCTURES AND RETENTION TO BE REMOVED UNLESS OTHERWISE SPECIFICALLY CALCULATED TO BE 18,000 CY (CON), 22,000 CY (FILL), OR 4,000 CY (NET FILL).
2. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.

COVAL PROPERTY
MI 84TH PARTNERSHIP
8059 84TH AVENUE SE
MERCER ISLAND, WA 98040

PRELIMINARY GRADING AND DRAINAGE PLAN

PAC LAND
11711 SE 8th St.
Suite 300
Bellevue, WA 98005
T (425) 453-9301
F (425) 453-9288
www.pacland.com



Designed By: SRB
Drawn By: JMA/ANP
Checked By: SRB
Issue Date: 07/26/2013
Project No.: 50335002

No.	Date	By	Revision Description

EXHIBIT 49

Shana Crick

From: Rick Aramburu [rick@aramburu-eustis.com]
Sent: Friday, November 08, 2013 2:47 PM
To: Shana Crick
Cc: Katie Knight; Kelly Leonard
Subject: RE: Coval applications - Letter to City of Mercer Island

Shana:

Will you kindly send me whatever correspondence was provided by the applicant that "formally withdrew" the CAD on October 11.

Thank you.

Rick

J. Richard Aramburu
ARAMBURU & EUSTIS, LLP
720 Third Avenue
Pacific Building Suite **2000**
Seattle, WA 98104-1860
Telephone (206) 625-9515
Facsimile (206) 682-1376

This message may be protected by the attorney-client and/or work product privilege. If you received this message in error please notify us and destroy the message. Thank you.

From: Shana Crick [<mailto:Shana.Crick@mercergov.org>]
Sent: Friday, November 08, 2013 2:19 PM
To: 'Rick Aramburu'
Cc: Katie Knight; Kelly Leonard
Subject: RE: Coval applications - Letter to City of Mercer Island

Dear Richard,

I wanted to send a quick update regarding application CAO13-002. The file was never deemed complete. Therefore, a Notice of Application was not issued. A formal Notice of Decision was not issued either, as to be expected for an incomplete file. As you are aware, a letter was sent to the applicant on June 18, 2013 regarding the status of the watercourse and a potential wetland on site. The application for CAO13-002 was formally withdrawn by the applicant and closed on October 11, 2013.

Thank you,
Shana

Shana Crick

Senior Planner
City of Mercer Island Development Services Group
9611 SE 36th Street
Mercer Island, WA 98040-3732
Phone: 206-275-7732; Fax: 206-275-7726
shana.crick@mercergov.org

View the status of permits at www.mybuildingpermit.com

View information for a geographic area at <http://pubmaps.mercergov.org>

View application and other zoning information at <http://www.mercergov.org/Page.asp?NavID=361>

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From: Rick Aramburu [<mailto:rick@aramburu-eustis.com>]
Sent: Thursday, November 07, 2013 3:30 PM
To: Shana Crick
Cc: Katie Knight
Subject: Coval applications - Letter to City of Mercer Island

Please consider the attached letter in regard to the Coval applications.

J. Richard Aramburu
ARAMBURU & EUSTIS, LLP
720 Third Avenue
Pacific Building Suite **2000**
Seattle, WA 98104-1860
Telephone (206) 625-9515
Facsimile (206) 682-1376

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EXHIBIT 50

Shana Crick

From: Shana Crick
Sent: Tuesday, November 12, 2013 8:02 AM
To: 'Rick Aramburu'
Cc: Katie Knight; Kelly Leonard
Subject: FW: Withdrawal of Critical Areas Determination Application

Dear Rick,

Please see the email below.

Thank you,
Shana

Shana Crick
Senior Planner
City of Mercer Island Development Services Group
9611 SE 36th Street
Mercer Island, WA 98040-3732
Phone: 206-275-7732; Fax: 206-275-7726
shana.crick@mercergov.org

View the status of permits at www.mybuildingpermit.com
View information for a geographic area at <http://pubmaps.mercergov.org>
View application and other zoning information at <http://www.mercergov.org/Page.asp?NavID=361>

NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this e-mail account may be a public record. Accordingly, this e-mail, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

From: Wes Giesbrecht [<mailto:atlin@qwestoffice.net>]
Sent: Friday, October 11, 2013 2:19 PM
To: Shana Crick
Subject: Withdrawal of Critical Areas Determination Application

Shana,

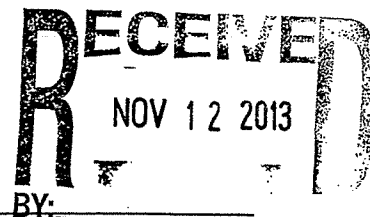
Per your request this email is to withdraw the application for Critical Areas Determination CAO 13-002. It is our understanding that because it has been established there are no critical areas on the Coval property there is no need to apply for this determination.

Please confirm the withdrawal of the application and confirm our understanding as to why it is not relevant to this project.

Thank-you.

Wes Giesbrecht
President
Atlin Investments Inc.
206-749-9600

EXHIBIT 51



ARAMBURU & EUSTIS, LLP

Attorneys at Law

J. Richard Aramburu
rick@aramburu-eustis.com
Jeffrey M. Eustis
eustis@aramburu-eustis.com

720 Third Avenue, Suite 2000
Seattle, WA 98104
Tel 206.625.9515
Fax 206.682.1376
www.aramburu-eustis.com

November 7, 2013

Shana Crick
Planner
City of Mercer Island Development Services Group
9811 S.E. 36th Street
Mercer Island, Washington 98040

Re: CAO 13-002, Coval Property at 3051 84th Avenue SE

Dear Ms. Crick:

This office represents Dr. Richard and Deborah Ferse, 3203 84th Ave. S.E., and Linda Chaves, 8265 S.E. 30th Place on Mercer Island. My clients have asked me to write concerning development applications for the 5.1 acre Coval property identified above.

We understand that the City has received applications for development at this location, including an application for a Critical Area Determination and for a Preliminary Plat for 18 lots on the property. For the reasons stated below, we believe that any consideration of a preliminary plat is premature because of the failure of the City to follow established procedures for the Critical Area Determination.

I. CRITICAL AREA DETERMINATION.

Mercer Island City codes allow a property owner to seek a "Critical Area Determination" as to the existence or extent of critical areas such as watercourses or wetlands. The decision authority for a Critical Area Determination is outlined in the Mercer Island Unified Land Development Code (in the Mercer Island Municipal Code or "MIMC") at Section 19.15.010(E).

Under the section Chapter 19.07 of the Mercer Island Municipal Code, a Critical Area Determination requires public notice:

19.07.020 General provisions.

B. Public Notice – Critical Area Determination. A critical area determination

EXHIBIT 51

Project Nos.: SUB13-009/SEP13-031

Project Name: Coval Preliminary Long Plat

Project Address: 3051 84th Avenue SE

requires public notice pursuant to MIMC 19.15.020(E) and this action may be appealed to the planning commission.

This is confirmed by Section 19.15.010(E) which reiterates the foregoing. Under MIMC 19.15.020(E)(2), public notice "shall be provided 10 days prior to the decision on the application." Notice is to be mailed to "all property owners within 300 feet of the property and posted on the property." MIMC 19.15.020(E)(4)(a). The notice shall describe the action to be taken by the City. MIMC 19.15.020(E)(3(a). Persons who comment on the proposal are entitled to notice of the decision made on the application and an appeal may be made to the Mercer Island Planning Commission within 14 days of the date of the decision.

The Covals, the owners of the property at 3051 8th Avenue S.E. filed a "Development Application" for a Critical Area Determination on April 3, 2013 and paid the City a \$2,073.39 application fee. In a letter attaching the application, the applicant's "Project Manager" Scott Borgeson indicated the applicant intended to construct a "single family residential development" on the parcel. These application materials are attached hereto as Exhibit A. The letter went on to say that although the City's Watercourse Type Map indicated a type 2 watercourse on the west side of the property, it was "our opinion that no such watercourse exists." The letter concluded that:

We are seeking confirmation that the city agrees with this determination so that we can proceed with preparing preliminary plat application documents based on the site development plan.

In the Critical Area Determination application, just above the property owner's signature, a complete description of the required public notice, processing, decision notice and appeal provisions was set forth, as follows:

PUBLIC NOTICE AND REVIEW PROCESS: Critical Area Determinations require public notice in the City Permit Bulletin. The City will provide the applicant a public notice sign to post on the site (subject to a refundable deposit) and will mail the notice to all property owners within 300 feet of the subject property following the Determination of Completeness. The public may provide written comments on the proposal for a minimum of 14 days prior to the decision. A Notice of Decision will be mailed to the applicant and anyone who provides written comments on the proposal. Critical Area Determination decisions may be appealed to the Planning Commission. Appeals must be filed within 14 days following issuance of the Notice of Decision as provided in MIMC 19.15.020(J).

Despite these clear procedures, neither the applicant nor the City provided public notice to nearby residents or other interested parties; no public notice sign was posted on site and there was no mailing to property owners within 300 feet. We have also reviewed the Mercer Island Weekly Permit Bulletins from April 3 to the present and have found

no notice of the Critical Area Determination application, processing or decision.

In our review of City documents, we found that city staff did hire a consultant (The Watershed Company) to provide peer review of the applicant's proposal and prepare a report. Public records show considerable communication between the staff and the applicant on the subject of the Critical Area Determination. Again there was no notice that the City was undertaking review and no opportunity for the public to review the available reports and comment on them.

Eventually, the City made a "Critical Area Determination" which was sent to the applicant on June 18, 2013. A copy of that letter is attached as Exhibit B. The letter describes extensive communications and meetings with the applicant and the applicant's consultant, but does not reference any public notice. The Critical Area Determination stated:

...it can be concluded that the Type 2 watercourse shown on City maps does not meet the definition of "watercourse" pursuant to MIMC 19.16.010(W), and consequently will not be regulated as such.

No notice was given of the City's Critical Area Determination to nearby neighbors and no record of the City's decision is found in the Weekly Permit Bulletin.

In summary, at no time during the application review process did the city staff issue the required public notices that it had received an application, that it was considering the matter, that it was about to make a decision or that a decision had been made. The practical effect of the failure to provide notice was to deny adjoining neighbors the opportunity to comment on this important subject, a right accorded by city code. It made the critical area determination essentially a private matter between city staff and the applicant.

In addition, adjoining owners both above and below the watercourse designated by the City are directly impacted by the city action by possible changes in water flows. Because these actions may impact their property rights, these adjacent persons are entitled to notice of governmental decisions that may affect their property, under such authority as *Olympic Forest Products, Inc. v. Chaussee Corp.*, 82 Wash. 2d 418, 422, 511 P.2d 1002, 1005 (1973):

The fundamental requisites of due process are "the opportunity to be heard," *Grannis v. Ordean*, 234 U.S. 385, 394, 34 S.Ct. 779, 58 L.Ed. 1363 (1914), and "notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections," *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314, 70 S.Ct. 652, 657, 94 L.Ed. 865 (1950).

Property owners impacted by the City's decision are entitled under due process standards to notice of actions that permit major modification of the watercourse adjacent to their property. No such notice was given.

The City needs to take appropriate steps to assure that consideration of the Covals' Critical Area Determination application is consistent with not only Mercer Island codes, but also due process. These steps should include the following. First, rescind the June 18, 2013 Critical Area Determination. Second, provide public notice of the application for the Critical Area Determination as required by the MIMC codes to property owners within 300 feet and by posting on the site. Third, allow a minimum of 30 days for adjoining owners and the public to provide comments on the application for the Critical Area Determination. Fourth, provide notice of any decision on the application for a Critical Area Determination to those that comment on the application. Fifth, accept appeals to the Planning Commission of any Critical Area Determination decision that is made.

We certainly anticipate that the applicant will object to the foregoing remedial procedures. However, the applicant, represented by experienced land use counsel, was well aware of the required procedures and chose to proceed without compliance with them. Washington caselaw makes clear the developer is not entitled to special consideration under such circumstances:

Defendant started the project with full awareness that there were multiple, serious legal obstacles and cannot now claim relief simply because money was expended in the face of an awareness it might not have a legal right to proceed.

We have not been persuaded in the past that because a financial investment is in jeopardy, the public interest should suffer. *Wilbour v. Gallagher*, 77 Wash.2d 306, 462 P.2d 232 (1969) and *Bach v. Sarich*, 74 Wash.2d 575, 445 P.2d 648 (1968).

Eastlake Cmty. Council v. Roanoke Associates, Inc., 82 Wash. 2d 475, 484-85, 513 P.2d 36 (1973). *Eastlake* also establishes another important proposition concerning the administration of land use ordinances:

We have held that:

The acts of administering a zoning ordinance do not go back to the questions of policy and discretion which were settled at the time of the adoption of the ordinance. Administrative authorities are properly concerned with questions of compliance with the ordinance, not with its wisdom.

(Italics ours.) *State ex rel. Ogden v. Bellevue*, 45 Wash.2d 492, 495, 275 P.2d 899, 902 (1954). This rule is of equal force in the administration of a building code. To permit another course of administrative behavior, thereby inviting

discretion, may well result in violations of the equal protection of the laws. The code is positive in its requirements and contains no exceptional procedures like those employed here; hence, no city officer was authorized to permit its violation. The duty of those empowered to enforce the codes and ordinances of the city is to insure compliance therewith and not to devise anonymous procedures available to the citizenry in an arbitrary and uncertain fashion.

Eastlake, 82 Wash. 2d at 482. Mercer Island city codes are absolutely clear as to the procedures to be followed in processing a Critical Area Determination application.

As described above, it is incumbent on the City to rescind its prior Critical Area Determination and follow established procedures. It is far better to correct processing errors at this time, before further processing of other permit applications, rather than risk having to repeat actions later, following administrative or judicial review, when considerably more time and money is spent by all interested parties.

II. COMPLETENESS OF PRELIMINARY PLAT APPLICATION.

As noted above, the City has failed to follow clear procedures for notice and processing of the applicant's Critical Area Determination. The failure of the City to follow its own codes requires that the June 18, 2013 Critical Area Determination for the Coval property be rescinded and that the application be reconsidered after notice and comment requirements are met.

It is also clear that the configuration of the preliminary plat relies on the Critical Area Determination. The applicant's cover letter of April 3, 2013 made clear that the preparation of preliminary plat application documents was dependent on the Critical Area Determination. The actual Critical Area Determination of June 18, 2013 made the same determination:

Therefore, any subsequent development of the above referenced property would not be subject to buffer restrictions associated with regulated watercourses and/or wetland under the current regulations

Accordingly, there should be no further processing of the preliminary plat application until the watercourse issue is resolved. My clients and others who may receive notice of the Critical Area Determination application are likely to challenge the applicant's request for a Critical Area Determination and may appeal the eventual decision to the Planning Commission. If it is determined that a Type 2 Watercourse does exist on the applicant's property, then the preliminary plat must be modified to accommodate the watercourse (or wetland). Related to current processing of the preliminary plat application, no Notice of Completeness can be issued while the Critical Area Determination is outstanding. Once the Critical Area Determination is made following required code procedures, and the presence or absence of the Type 2 Watercourse is

November 7, 2013
Page 6

finally resolved, then the city can proceed to a notice of complete plat application.

Thank you for your consideration of this letter. We look forward to your prompt response to the issues raised in this letter.

Sincerely yours,

ARAMBURU & EUSTIS, LLP

A handwritten signature in black ink, appearing to read "J. Richard Aramburu", written in a cursive style.

J. Richard Aramburu

JRA:cc

cc: Clients
Mercer Island City Attorney, Katie Knight

EXHIBIT 52

CAD13-002 Coval Property

Rick Aramburu

To: Shana.Crick@mercergov.org
CC: Katie.Knight@mercergov.org ; Kelly.Leonard@mercergov.org
Sent On: Thursday, November 14, 2013 1:55:13 PM
Archived On: Thursday, November 14, 2013 1:55:40 PM
Identification Code: eml:663e9143-d415-49dd-9906-4e0abc53b0ed-2147370179
Folders: Inbox

Shana:

We have received your responses to our letter of last week. After further investigation, we will provide a detailed response to these emails which will address the legality of the City's actions. You will have our response by the end of the day tomorrow.

Rick

J. Richard Aramburu

ARAMBURU & EUSTIS, LLP

720 Third Avenue

Pacific Building Suite **2000**

Seattle, WA 98104-1860

Telephone (206) 625-9515

Facsimile (206) 682-1376

This message may be protected by the attorney-client and/or work product privilege. If you received this message in error please notify us and destroy the message. Thank you.

From: #Vkdqd#Fulfn#^p dlor=Vkdqd1FulfnC p hufhuj rylruj `#
Sent: #Wxhvvd|/#Qryhp ehu#45/#5346#;=35#DP
To: #Ulf#Dudp exux*

Cc: #NdwIh#NqLjkw>#Nhø| #Ohrqduq

Subject: #IZ =#Z lkgudz d#r i#Fulwfd#Duhdv#Ghwhup lqdwlrq#Dssdfdwlrq#

Dear Rick,

Please see the email below.

Thank you,

Shana

Shana Crick

Senior Planner

City of Mercer Island Development Services Group

9611 SE 36th Street

Mercer Island, WA 98040-3732

Phone: 206-275-7732; Fax: 206-275-7726

shana.crick@mercergov.org

View the status of permits at www.mybuildingpermit.com

View information for a geographic area at <http://pubmaps.mercergov.org>

View application and other zoning information at <http://www.mercergov.org/Page.asp?NavID=361>

NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this e-mail account may be a public record. Accordingly, this e-mail, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

From: #Z hv#J lhveuhfkW#^p dlow=dwlgC tz hvwriilfhlgHW^#

Sent: #Iulgd| /#R fwrehu#44 /#5346#5=4 <#SP

To: #Vkdqd#Fulfn

Subject: #Z lkgudz dcr i#Fulwfdq#Duhdv#Ghwhup lqdwlrq#Dssolfdwlrq

Shana,

Per your request this email is to withdraw the application for Critical Areas Determination CAO 13-002. It is our understanding that because it has been established there are no critical areas on the Coval property there is no need to apply for this determination.

Please confirm the withdrawal of the application and confirm our understanding as to why it is not relevant to this project.

Thank-you.

Wes Giesbrecht

President

Atlin Investments Inc.

206-749-9600

EXHIBIT 53

Shana Crick

From: Carol [carol@aramburu-eustis.com]
Sent: Tuesday, November 19, 2013 4:16 PM
To: Katie Knight
Cc: rick@aramburu-eustis.com; Rich Conrad; Shana Crick
Subject: COVAL House, CAO 13-002
Attachments: 2013-11-19 to City re CAO13002 Withdrawal.pdf

The attached letter from Mr. Aramburu is also being placed in the mail. Thank you for your attention.

Carol Cohoe
ARAMBURU & EUSTIS, LLP
720 Third Avenue
Pacific Building Suite 2000
Seattle, WA 98104
Telephone (206) 625-9515
Facsimile (206) 682-1376

This message may be protected by the attorney-client and/or work product privilege. If you received this message in error please notify us and destroy the message. Thank you.

ARAMBURU & EUSTIS, LLP

Attorneys at Law

J. Richard Aramburu
rick@aramburu-eustis.com
Jeffrey M. Eustis
eustis@aramburu-eustis.com

720 Third Avenue, Suite 2000
Seattle, WA 98104
Tel 206.625.9515
Fax 206.682.1376
www.aramburu-eustis.com

November 19, 2013

Katie Knight
Mercer Island City Attorney
City of Mercer Island
9611 S.E. 36th Street
Mercer Island, Washington 98040

Via Email
Katie.Knight@MercerGov.org

Re: Critical Area Determination File No. CAO 13-002

Dear Ms. Knight:

As you may be aware, this office represents Dr. Richard and Deborah Ferse and Linda Chaves, owners of property adjacent to the Coval property at 3051 84th Avenue S.E.

On November 7, 2013, I sent a letter to Shana Crick, the staff planner assigned to this project, which addressed the foregoing critical area determination application and decision. My letter, a copy of which was also sent to you, described multiple errors in the processing of the Critical Area Determination application, especially related to the failure to follow city public notice requirements. I received a brief response from Ms. Crick almost immediately, rejecting my clients' concerns, claiming that the application for the Critical Area Determination had been withdrawn

For the reasons stated below, to be consistent with established law the City must withdraw its Critical Area Determination, provide for public comment on the application and allow administrative appeals.

A background of the progression of this application and decision making is useful as background to my clients' concerns.

1. **March 20, 2013.** In an email, Patrick Yamashita of the city tells Ruji Ding:
"There is a watercourse that bisects the site. Applicant will need to comply with Planning requirements associated with the buffer."

2. **March 26, 2013.** A pre-application conference on a Critical Area Determination application is held at the city between the applicants and the City.

3. **April 3, 2013.** The City receives a Development Application from the Covals for a "Critical Area Determination." The Covals sign a city document that sets forth the requirements for a Critical Area Determination, which includes public notice to adjacent neighbors.

4. **April 9, 2013.** Planner Shana Crick is assigned to the project and states in an email to the applicants' representative that:

The Mercer Island City Code allows for a 28 day review period to determine whether the application is complete. However, the complicating factor is not how long it will take to determine completeness. The unpredictable element is how long it will take for peer review by a stream biologist.

Later in the letter, Ms. Crick states that: "Assuming the peer review verifies the applicant's findings, the City can issue a Notice of Decision within 1-2 weeks of receipt of the peer review findings."

5. **April 13, 2013.** The City receives a fee of \$2073.39 for the Critical Area Determination and it is assigned File Number CAO13-002. As noted above, City staff was already working on this application even before required fees were paid.

6. **June 18, 2013.** After receipt of the peer review, the City issued the "Coval Critical Areas Determination" for File No. 13-002. In that letter, City staff states:

it can be concluded that the Type 2 watercourse shown on City maps does not meet the definition of "watercourse" pursuant to MICC 19.16.010(W), and consequently will not be regulated as such.

Contrary to her email of April 9, no Notice of Decision of this determination was published or sent to adjacent property owners.

7. **October 2, 2013.** City staff, including Ms. Crick, George Steirer (Principal Planner), Pat Yamashita (City Engineer), Don Cole (Building Official), Kirsten Taylor (DSG Administrative Services Manager), and a representative from the City Attorney's office, attended a meeting with several area residents. A topic of concern, pointedly raised by neighbors, was that the City had not followed the terms of City codes in processing or issuing the June 18, 2013 Critical Areas Determination because of the lack of timely notice.

8. **October 11, 2013.** The applicant confirms that staff requested that it

withdraw the application for the Critical Area Determination CAO13-002 described above. In an email, the applicant's representative states:

Per your request this email is to withdraw the application for Critical Areas Determination CAO13-002. It is our understanding that because it has been established there are no critical areas on the Coval property there is no need to apply for this determination.

(Emphasis supplied). This email was not forwarded to any of the neighbors that attended the October 2nd community meeting and raised concerns about the processes followed by the city.

9. **November 7, 2013.** The undersigned sends a letter on behalf of neighbors requesting that Critical Area Determination No. CA013-002 be noticed.

10. **November 8, 2013.** Ms. Crick responds to my letter by stating:

The file was never considered complete. Therefore, a Notice of Application was not issued. A formal Notice of Decision was not issued, either, as to be expected for an incomplete file.

This decision making violates basic tenets of the City code: *how can the City issue a decision on an application when that application is incomplete?* In fact, the application appears to be complete, and no staff request for additional information is found in any emails or correspondence we have reviewed. Under City codes, unless deficiencies in the application are found, then the application is deemed complete within 28 days. See MICC 19.15.020(C)(2) ("*An application shall be deemed complete if the city does not provide a written determination to the applicant stating that the application is incomplete.*") This is stated in the email to the applicant dated April 9, described above. If the missing piece of the application was the peer review, that document was provided to the City in mid June, well before the June 18 decision. This is critical because the Notice of Application must be mailed to all property owners within 300 feet of the property following the determination of completeness. MICC 19.15.010(D)(1) ("*Within 14 days of the determination of completeness, the city shall issue a notice of application for all administrative, discretionary and legislative actions listed in MICC 19.15.010(E).*") No such notice was sent. As stated in the Critical Area Determination application:

The public may provide written comments on the proposal for a minimum of 14 days prior to the decision. A Notice of Decision will be mailed to the applicant and anyone who provides written comments on the proposal. Critical Area Determinations may be appealed to the Planning Commission.

City staff did not issue any kind of notice to the public, though the public record shows

almost daily communication between the staff and the developer, who relentlessly pressed staff for an early decision on its application.

What is particularly disturbing is that after the October 2 meeting with neighbors, when it was discovered that city staff had not followed notice procedures required by the code, staff requested that the applicant withdraw the Critical Area Determination application. This amounts to a substantial advantage to the applicant, who now avoids critical comments on its application on important aspects of the proposal. Of course, the developer will argue during the plat process that there is no watercourse or wetland on the property, citing the City's June 18 decision (made without any input from the public). We believe there is substantial evidence that, indeed, there is a watercourse. Withdrawal of an application after a binding decision has been made cannot be allowed to stand.

My clients, and several other neighboring property owners, have a significant interest in the Critical Area Determination. The watercourse (or upstream tributary flow as referred to in the applicants' Stormwater Site Plan) has been a source of many problems over the past several years such as flooding of private roads and driveways and damage to these structures, especially when the flow has become obstructed on the Coval property and backed up onto neighboring properties. So for them, the right to be notified and heard is not just a procedural issue.

The Mercer Island City Council has decided that Critical Area Determinations will be a transparent process, with opportunity for public comment during consideration of an application and allowance for an appeal once a decision is made. A decision on a Critical Area Determination is not just a matter between a land developer and city staff; the adjacent owners must be involved. Keep in mind that the Critical Area Determination Application was the invention of the property owners/applicants to smooth the way for their ultimate development proposal; the largest residential land development proposal in the City for many years. Staff has violated not only the letter of the law, but its spirit by eliminating the public from the process.

Based on the foregoing, we renew our request that the June 18, 2013 Critical Area Determination be vacated.

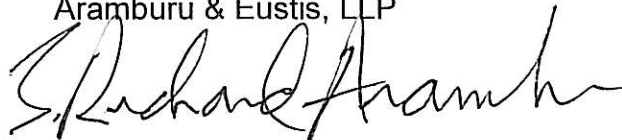
Following the vacation of that decision, the City should provide public notice as specified in the city code, give the public a reasonable opportunity to comment on the April 3, 2013 Critical Area Determination application, and allow interested parties to appeal the determination to the planning commission. In the meantime, the City should withhold, or withdraw as appropriate, any notice of completeness for the plat application until all review proceeding on the Critical Area Determination is complete. The City's lack of compliance with its own codes is a fatal flaw in the processing of this land development proposal; it is unlikely that a reviewing body or court would allow this defective decision-making to stand.

November 19, 2013
Page 5

We request a prompt response to this letter.

Sincerely yours,

Aramburu & Eustis, LLP

A handwritten signature in black ink, appearing to read "J. Richard Aramburu". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

J. Richard Aramburu

JRA:cc

cc: Clients

Shana Crick, Planner (shana.crick@mercergov.org)

Rich Conrad, City Manager (rich.conrad@mercergov.org)

EXHIBIT 54

**VanNess
Feldman
GordonDerr**

ATTORNEYS AT LAW

SEATTLE, WA • WASHINGTON, DC

Millennium Tower
719 Second Avenue, Suite 1150
Seattle, Washington 98104-1728
(206) 623-4986 F
(206) 623-9372 P

November 22, 2013

Via U. S. Mail and Email
katie.knight@mercergov.org

Ms. Katie Knight
City Attorney
City of Mercer Island
9611 SE 36th Street
Mercer Island, WA 98040-3732

Re: Coval Long Plat File No. SUB 13-009

Dear Ms. Knight:

Our office represents Wes Giesbrecht and Mercer Island 84 Limited Partnership, applicants for the above-referenced long plat. I am writing in response to letters from Mr. Rick Aramburu dated November 7, 2013 and November 19, 2013, to correct several incorrect assertions and respond to arguments presented in that correspondence.

First, Mr. Aramburu is incorrect to suggest that his clients have not been given adequate notice of the proposed subdivision, including the conclusions reached by two separate critical areas consultants that no wetlands or watercourses are present on the site. The City's own record reflects that at least one, if not both of Mr. Aramburu's clients attended a public meeting on October 2, 2013, to discuss the proposed project. Mr. Aramburu's reference to the public notice requirements in the code for a critical areas determination misses the point. A critical areas determination is defined in Mercer Island Code as an administrative action by the code official to allow reduction or averaging of a wetland or watercourse buffer. Because there is no wetland or watercourse present on the property (as confirmed by two separate qualified consultants), no reduction or averaging of a buffer is proposed. Because no critical areas determination is required, no notice of that determination is required.

Mr. Aramburu's focus on the "withdrawal" of the determination as reflecting some error in procedure also missed the point. The applicants withdrew the determination at the request of the City, once the City had confirmed that no wetland or watercourse was present on this site. As discussed below, withdrawing the determination does not mean that critical areas code compliance will not be evaluated during the preliminary plat hearing. Applicants believe that the reports submitted demonstrate code compliance.

Further, and more importantly, Mr. Aramburu's clients will have plenty of opportunity to offer their views on critical areas and any other issues at the preliminary plat hearing currently scheduled before the Planning Commission on January 15, 2014. This is almost two months after the Notice of

Application was distributed by the City on November 18, 2013. That notice specifically identifies the various critical areas studies as documents on file with the City and further lists the City's critical areas regulations among the code sections that must be satisfied during subdivision review. The critical areas issues have been and will be fully considered by the City and at the public hearing where Mr. Aramburu and his clients can provide comment. This amount of notice and opportunity to prepare written and/or oral comments on these issues is well in excess of code requirements for notice, more than satisfies any of Mr. Aramburu's allegations regarding due process, and is, in fact, also well in excess of the 30 days requested by Mr. Aramburu in his letter, without any municipal code basis for those demands.

Mr. Aramburu is similarly incorrect to suggest that City code requires sequential, rather than concurrent consideration of the issues and decisions or approvals that may be required for the Coval subdivision development. This is contrary to the express purpose and intent of Chapter 36.70B RCW, which, in turn, has led to revisions to local permit processes that require consolidation and, in particular, a single open record hearing on permit issues. Mercer Island Municipal code incorporates this consolidated review approach. *See, e.g.,* MIC 19.15.020 (F)(1).

City staff has followed the correct procedures for consideration of the above-referenced subdivision application, and has given more than adequate notice to interested property owners, including Mr. Aramburu's clients to ensure that their concerns can be considered. No change to the noticed procedure or schedule is warranted. This preliminary plat and the related issues, including, but not limited to, the critical areas issues have been examined and discussed in great depth for several months. It is time to allow the application to move forward to hearing, where every interested party will have additional opportunity to present their information and opinions.

Between now and the plat hearing, my clients intend to continue to reach out to Mr. Aramburu and his clients to see if we can reach a better understanding of their concerns and, in particular, whether they can be adequately addressed in advance of the hearing in January. We will certainly keep City staff apprised of those efforts and any results.

Thank you for your consideration.

Very truly yours,

Jay P. Derr

e-cc: MI-84 Partnership
Attn: Wes Giesbrecht atlin@qwestoffice.net

EXHIBIT 55

Shana Crick

From: Ed Corker [edcorker@hotmail.com]
Sent: Tuesday, November 26, 2013 9:07 AM
To: Shana Crick
Subject: Coval 18 lot long plat SUB13-009 and SEP13-031

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Shana Crick,

I am concerned about the Coval plating on 84th Ave SE parcel 122404-9010.

I worry about water running off the developed plot. This may cause the very steep slope on the East side to destabilize the slope. I have general concerns that the water run off be handled properly during development and after the construction is done.

We have had days of huge rain in the last couple of years and probably will continue to have some days of torrential rain. Everything should be done to stabilize the lots on the east side of the plot. Lots 10, 11, 12, 13 should probably not be built upon. They could serve as an important buffer protecting 81st Ave SE and Mercer Crest Way.

My other major concern is a major earthquake. I believe a major fault runs through Mercer Island. Lots 10, 11, 12, and 13 might tumble down the steep slope on to 81st Ave SE and Island Crest.

The combination of saturated soil and an earthquake could be a disaster.

Sincerely,

Edward Corker
Mercer Park Apartments
3021 81st Avenue SE
Mercer Island 98040
Holman Corker LLC

Mailing address:

6614 109th PL SE
Newcastle WA 98056

EXHIBIT 56

Shana Crick

From: Katharine Lamperti [klamperti@gmail.com]
Sent: Monday, December 02, 2013 7:53 PM
To: Shana Crick
Cc: tlamperti@gmail.com; Sue@writestuf.biz
Subject: Concerns about Coval Property Development

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Crick -

My family and I live in our home at 8320 SE 30th Place, which is two lots north of the Coval property. I have some concerns about the proposed 18 lot long plat on that property.

1) Pedestrian Safety on 84th -

My children (ages 6 and 9) wait for the bus in the morning and afternoon, along with many other children on neighboring streets. Even at current traffic levels, I am apprehensive for their safety for the following reasons:

- a) Poor visibility - The lack of street lights and the density of plant growth along both side of the street limit driver and pedestrian visibility.
- b) High traffic speeds - Cars and trucks frequently travel at speeds much greater than the posted 25 mph.
- c) Lack of sidewalks or walkable shoulder - The only option for pedestrians along much of 84th is on the trails in upper Luther Burbank Park, which also present safety concerns in the dark or when used by others for drug activity (per the MIPD).

The proposed Land Use Action would increase the number of vehicle trips per day by an estimated 161 trips during construction and 180 additional vehicle trips per day after completion. I assume that many of these trips, particularly during construction, will be with large trucks and construction vehicles, which increase the risk to pedestrians. Both during and after construction I am very concerned about the safety of the children in our neighborhood, as well as the other pedestrians and cyclists who use 84th. It has been shown too many times that high speed and high volume traffic in an area without pedestrian-designated lanes or sidewalks can result in severe injuries and fatalities.

To address these safety issues, I would like to see the following added to 84th along Upper Luther Burbank park:

- a) Street lights
- b) Pedestrian shoulder/bike lane or sidewalk
- c) Speed bumps
- d) Painted lane lines

Additionally, a reduction in the number of homes built would help ameliorate the substantial increase in traffic on 84th Ave SE.

2) Water drainage/water course

There is a drainage culvert on our property which is designated by Mercer Island as a Type 2 watercourse. This "watercourse" also travels through the proposed development property south of our property. Per city code, we are not allowed to substantially landscape our property abutting the watercourse or even build a permeable patio, so I am very concerned how a large development of 18 homes (with a significantly reduced tree population) will affect the water draining onto our property.

Thank you for your attention,

Katharine Lamperti
8320 SE 30th Place

EXHIBIT 57

Shana Crick

From: Carol [carol@aramburu-eustis.com]
Sent: Monday, December 09, 2013 6:20 PM
To: Katie Knight
Cc: rick@aramburu-eustis.com; Shana Crick; drferse@gmail.com; lindaachaves@gmail.com
Subject: FW: Coval Plat proposal
Attachments: 2013-11-19 to City re CAO13002 Withdrawal.pdf; 2013-11-7 Exh B - Critical Areas Determination 6-18-13.pdf; 2013-11-7 COVAL ltr to MI.pdf; 2013-11-7 Exhibit A - CAD Application 2013-4-2 CAO 13-002.pdf; 2013-12-9 Att A CovalHouse Trees.pdf; 2013-12-9 COVAL plat comment.pdf; 2013-12-9 Att A CovalHouse Trees.pdf

See enclosed correspondence.

Carol Cohoe
Aramburu & Eustis, LLP

From: Carol [mailto:carol@aramburu-eustis.com]
Sent: Monday, December 09, 2013 5:23 PM
To: shana.crick@mercergov.org
Cc: Rick Aramburu (rick@aramburu-eustis.com)
Subject: Coval Plat proposal

Dear Ms Crick:

A letter of today's date is attached from Mr. Aramburu, along with 3 exhibits to that letter.

Carol Cohoe
ARAMBURU & EUSTIS, LLP
720 Third Avenue
Pacific Building Suite 2000
Seattle, WA 98104
Telephone (206) 625-9515
Facsimile (206) 682-1376

This message may be protected by the attorney-client and/or work product privilege. If you received this message in error please notify us and destroy the message. Thank you.

EXHIBIT 57

Project Nos.: SUB13-009/SEP13-031

Project Name: Coval Preliminary Long Plat

Project Address: 3051 84th Avenue SE

RECEIVED
DEC 09 2013
BY: _____



ARAMBURU & EUSTIS, LLP

Attorneys at Law

J. Richard Aramburu
rick@aramburu-eustis.com
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December 9, 2013

Shana Crick, Planner
Development Services Group
City of Mercer Island
9611 S.E. 36th Street
Mercer Island, Washington 98040

Via Email: *Shana.Crick@mercergov.org*

Re: COVAL PLAT PROPOSAL
City of Mercer Island File Nos. SUB13-009 and SEPA 13-031

Dear Ms. Crick:

This office represents Richard and Deborah Ferse and Linda Chaves, who reside adjacent to the proposed plat identified above. My clients have recently received a Public Notice of the filing of the plat application referenced above, indicating that comments on the plat proposal and the anticipated threshold determination will be due on December 11, 2013. This letter will provide comments on the proposal.

As a threshold matter, we have written the City two letters concerning the application of the Coval plat developers for a Critical Area Determination. Those letters, of November 7 and November 19, 2013, are attached hereto. In those letters, we have pointed to clear errors in the city's processing of the application for a Critical Area Determination. Those letters describe how the City failed to follow clear and unambiguous rules in the Mercer Island Municipal Code (MICC) for public notice, opportunity to comment and appeal of Critical Area Determinations. The City has not yet responded to our objections to the procedure followed, but indicates that it will do so by December 13. We urge the City to rescind the Critical Area Determination made on June 18 for this project, provide public notice and an opportunity to comment for this proposal and suspend further process of this application pending the outcome of the Critical Area Determination process.

Following review of the proposed plat, we conclude that the subject proposal cannot be approved in its present configuration because of clear violations of the Mercer Island codes and significant adverse environmental impacts. We also submit that the city should prepare an environmental impact statement (EIS) for this proposal based on the adverse environmental impacts anticipated from the project. The particular impacts may be summarized as follows.

1. ASSURE CONSISTENCY WITH THE MERCER ISLAND COMPREHENSIVE PLAN.

The Mercer Island subdivision code requires that both the planning commission and city council review the Coval proposal for consistency with the Mercer Island Comprehensive Plan. MICC 19.02.020(F)(3)(a). As will be discussed below, the proposed project is inconsistent with multiple goals and policies of the Plan.

2. ADDRESS TRAFFIC AND TRANSPORTATION DEFICIENCIES.

The sole access to and from the Coval property is 84th Avenue S.E., a narrow street with only about 22 feet of paved surface with no sidewalks, parking strips or bike lanes. There are essentially no shoulders on 84th, as drainage ditches are located on either side of the narrow pavement. Because of the lack of pedestrian facilities, the narrowness of the paved surface and the lack of any area for refuge of pedestrians or bike riders in the event of conflict with vehicles, the street is both substandard and dangerous.

The Mercer Island Comprehensive Plan addresses transportation requirements. Transportation Policy 7.1 addresses the need to accommodate all travel modes:

7.1 The City of Mercer Island will include in its roadway design standards, requirements for facilities that safely accommodate travel by all travel modes.

In addition, the plan requires that:

9.3 The City of Mercer Island will provide facilities for pedestrians and bicyclists designed in keeping with individual neighborhood characteristics.

While applicant intends to make frontage improvements adjacent to the plat property, there are no plans or conditions requiring that such improvements be extended along the length of 84th Avenue. The addition of vehicles accessing lots within the plat will create further conflicts with non-vehicular traffic in this area.

The Comprehensive Plan also addresses the requirement that "transportation implications" be evaluated during the project review, such as for a preliminary plat, Transportation Policy 6.4:

6.4 In the project development review process, the City of Mercer Island will evaluate transportation implications including:

- congestion and level of service;*
- connectivity of transportation facilities and services from a system perspective;*
- transit requirements for travelers and for transit operators;*

- *facilities and needs for travel by non motorized travel modes; and*
- *potential density bonuses in return for inclusion of transit supportive actions.*

The consideration of transportation impacts is specifically required during SEPA review for individual projects:

6.6 As part of a project's SEPA review, the City shall review the project's impact on transportation and may require mitigation of on-site and off-site transportation impacts.

The substandard nature of 84th Avenue S.E. will significantly impact the street and adjacent residents during construction. The development will include significant tree and vegetation removal, demolition of the existing home, significant movement of soils, construction of infrastructure and house construction.

As a consequence of the Coval plat, the substandard nature of 84th is one of the adverse environmental impacts that contributes to the need for an environmental impact statement. This impact could be mitigated by a condition that this applicant improve 84th Avenue to provide the necessary facilities, or a reduction in density of the plat to mitigate these impacts.

3. MITIGATE NOISE IMPACTS.

The existing neighborhood is quiet and shielded from sources of noise, including vehicular noise. Luther Burbank Park, a public park, is located across the street from the development.

Noise from vehicles will be particularly intense during construction and will be combined with construction noise on site. If the plat is approved, as homes are built as requested, there will be continuing noise from the dense residential activities on the 18 lots.

These noise impacts are likely to be significant, especially during the extended construction period from site preparation to completion of the eighteen homes planned for the property.

4. INCREASE PARKING.

The interior of the plat will be served by a private access road serving the eighteen lots, which are expected to be large in size and expensive. Despite these factors, the plat developer will provide for only three parking spaces per lot and has chosen a road design that does not allow for on-street parking.

With eighteen large, high value homes, it is likely that there will be multiple gatherings with guests driving to individual residences. As such there is likely to be parking demand not met by the driveways of individual homes, creating demand for overflow parking on adjacent streets. As noted above, 84th does not have sufficient space for parking, thus this parking for the Coval plat may overflow to other streets in the community.

The plat should be modified to assure that there is sufficient parking to accommodate vehicles for individual gatherings and overflow parking within the five

acres of the plat.

5. RETAIN COVAL HOME.

As the City is aware, the Coval home is a masterpiece; it has been constructed by experienced and highly skilled workmen using the finest of designs and materials to create a unique residence. Photographs of the house and its history are set forth on the following website: <http://www.covalhouse.com/>. As may be seen on this website, the property has a long history going back to the early 1900s, indicating that review of the historic aspects of the property and grounds is required. See also <http://www.youtube.com/watch?v=IH0scbtpgS8> for a video tour of the house on Home and Garden Television. Despite these unparalleled features, these developers intend to demolish the Coval home and its carefully prepared grounds for their new homes.

A condition should be included in plat analysis that requires the applicant to preserve the Coval home and grounds.

6. LIMIT DEVELOPMENT ON STEEP SLOPES.

A significant portion of the Coval property, particularly on the west side, is located on steep slopes. These steep slopes also contain significant mature trees and other vegetation. The plans for the Coval plat not only include putting four new homes on these steep slopes, but also a wholesale modification of the slopes by substantial excavation. These plans for steep slope cuts and fill violate several policies of the Comprehensive Plan.

One of the important Land Use Issues identified in the Comprehensive Plan is found at page 12 of the Land Use element:

4. Ongoing protection of environmentally sensitive areas including steep slopes, ravines, watercourses, and shorelines is an integral element of the community's residential character.

This policy is further referenced at Land Use policy 8.5 of the Comprehensive Plan:
8.5 Encourage infill development on vacant or under-utilized sites that are outside of critical areas and ensure that the infill is compatible with the surrounding neighborhoods.

As noted, the Coval plat violates these policies by not protecting steep slopes, but essentially eliminating them. Further, the density of this infill development is inconsistent with the character of the surrounding neighborhood. Modifications to the plat to respond to these impacts is required.

7. PRESERVE EXISTING TREES.

Another priority of the Comprehensive Plan Land Use Element is found at page 6:

Many residential areas of Mercer Island are characterized by large mature tree cover. Preservation of this greenery is an important community value.

The Coval plat proposal, in its present configuration, removes a significant number of these trees, some of which have been on the property for more than 100

years. As the CovalHouse.com website indicates in its section on "Ornamental Gardens:"

The ornamental gardens are anchored by a remarkable array of mature native trees including Madrona, Big Leaf Maple, Mountain Ash, Fir, Holly, and Cottonwood. The west end of the property, a sloping hill side with a view to downtown Mercer Island, is left in its natural state as a buffer zone and is rich in native trees and groundcover that has remained unchanged for over 100 years. In addition to the native trees, the fruit and nut trees contribute to the structure of the landscape and help define distinct areas around the estate.

Indeed, the work of prior owners has resulted in what the Covals describe as the "Streuobstwiese" meaning an "Orchard Garden" in German. A list of the trees on site is found on the Covalhouse.com website and is reproduced at Attachment A to this letter.

This "remarkable array of mature trees" should be preserved as an "important community value" and conditions imposed to substantially maintain these trees.

8. PRESERVE AND PROTECT WATERCOURSE AND WETLAND.

As identified in the Comprehensive Plan referenced above, critical areas are to be retained and preserved as a part of subdivision review. This is true not only of the steep slopes found on the property (and described in Section 6 of this comment) but also because of the presence of a watercourse and wetland on the property.

Significantly, Mercer Island critical area maps describe a watercourse extending across the property. Indeed, the applicant filed an application for a Critical Area Determination with the City under Section 19.15.010 of the MICC. However, the City failed to provide notice of the application and allow comment on the application as required by both city codes and by the Critical Area Determination application itself. As a result, the public has never had the opportunity to comment on this application and the City proceeded to make a Critical Area Determination without public input on June 18, 2013. A description of the City's process and its failure to comply with city ordinances has been set out in previous correspondence with the city, as described above.

In fact, evidence indicates that the swale area of the site qualifies as a watercourse and a wetland. There is clearly evidence of water flows in the area, and hydric soils are present. As such, the swale area must be considered as critical area and steps taken to protect the area and require setbacks therefrom.

9. CONTROL STORMWATER FLOWS OFF SITE.

The proposed development will transform this wooded five acres, with a single home, into a dense eighteen lot subdivision, with large houses, driveways, patios, streets and sidewalks. These features will dramatically increase the amount of runoff from the site. The applicant proposes to use existing ditches and pipes on the west side of 84th Avenue S.E. to convey this water away from the site. Serious issues are presented as to whether these features are sufficient to convey the flows from the

property. In addition, stormwater from the site will be routed to a stream that runs through Luther Burbank Park and eventually discharges into Lake Washington.

These flows will likely also contain pollutants from the site and adjacent streets and developments which will impact water quality in Lake Washington.

Because of these downstream limitations, conditions should be placed to limit both the total volume and intensity of flow as well as place a limitation on the amount of pollutants allowed to be discharged from the site.

10. MODIFY PLAT CONFIGURATION FOR SPECIAL CONDITIONS.

Under the terms of MICC **19.08.030(F)** Design Standards for Special Conditions, the City may require that certain portions of this plat "remain undeveloped with such restrictions shown on the official documents" or to increase setback requirements. The plat must also conform to provisions of the City's Comprehensive Plan as identified above.

Also as noted above, the Coval property contains critical areas, significant numbers of trees, and steep slopes. Conditions should be placed on any plat approval that preserve these features in compliance with Mercer Island City Codes.

11. REQUIRE AN ENVIRONMENTAL IMPACT STATEMENT OR PLACE CONDITIONS TO MITIGATE IMPACTS.

As described above, the Coval plat will create several significant adverse environmental impacts. These are significant both individually and cumulatively and accordingly require that an environmental impact statement be prepared for this proposal.

The SEPA Rules, found at Washington Administrative Code (WAC) chap. 197-11 provide background for the threshold determinations as to whether an EIS should be prepared. The fundamental criteria is found at WAC 197-11-330, which requires an EIS for actions "significantly affecting the quality of the environment." Subsection 3 of WAC 197-11-330 specifies some of the rules to be applied by the City when making a threshold determination. Thus Subsection 3 provides that:

(a) The same proposal may be a significant adverse impact in one location, but not in another location.

(c) Several marginal impacts when considered together may result in a significant adverse impact.

Applied here, the proposal is one of the largest developments in many years on Mercer Island and is located in a long established neighborhood, accessed by a narrow substandard street. The site has critical areas that are to be developed and substantially modified through intense development of a wooded site with an existing unique home. Stormwater created from impervious surfaces on this largely wooded site will be routed via roadside ditches and pipes into a public park, to be discharged into Lake Washington. These factors indicate the Coval Plat will have significant impacts on the environment such that an EIS is required.

December 9, 2013
Page 7

Thank you for the opportunity to comment on this proposal. Please make me a party of record for this proposal and inform me of any further notices or actions.

Sincerely yours,

ARAMBURU & EUSTIS, LLP



J. Richard Aramburu

JRA:cc

cc: Dr. Richard and Deborah Ferse
Linda Chaves

ARAMBURU & EUSTIS, LLP

Attorneys at Law

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November 19, 2013

Katie Knight
Mercer Island City Attorney
City of Mercer Island
9611 S.E. 36th Street
Mercer Island, Washington 98040

Via Email
Katie.Knight@MercerGov.org

Re: Critical Area Determination File No. CAO 13-002

Dear Ms. Knight:

As you may be aware, this office represents Dr. Richard and Deborah Ferse and Linda Chaves, owners of property adjacent to the Coval property at 3051 84th Avenue S.E.

On November 7, 2013, I sent a letter to Shana Crick, the staff planner assigned to this project, which addressed the foregoing critical area determination application and decision. My letter, a copy of which was also sent to you, described multiple errors in the processing of the Critical Area Determination application, especially related to the failure to follow city public notice requirements. I received a brief response from Ms. Crick almost immediately, rejecting my clients' concerns, claiming that the application for the Critical Area Determination had been withdrawn.

For the reasons stated below, to be consistent with established law the City must withdraw its Critical Area Determination, provide for public comment on the application and allow administrative appeals.

A background of the progression of this application and decision making is useful as background to my clients' concerns.

1. **March 20, 2013.** In an email, Patrick Yamashita of the city tells Ruji Ding: *"There is a watercourse that bisects the site. Applicant will need to comply with Planning requirements associated with the buffer."*

2. **March 26, 2013.** A pre-application conference on a Critical Area Determination application is held at the city between the applicants and the City.

3. **April 3, 2013.** The City receives a Development Application from the Covals for a "Critical Area Determination." The Covals sign a city document that sets forth the requirements for a Critical Area Determination, which includes public notice to adjacent neighbors.

4. **April 9, 2013.** Planner Shana Crick is assigned to the project and states in an email to the applicants' representative that:

The Mercer Island City Code allows for a 28 day review period to determine whether the application is complete. However, the complicating factor is not how long it will take to determine completeness. The unpredictable element is how long it will take for peer review by a stream biologist.

Later in the letter, Ms. Crick states that: "Assuming the peer review verifies the applicant's findings, the City can issue a Notice of Decision within 1-2 weeks of receipt of the peer review findings."

5. **April 13, 2013.** The City receives a fee of \$2073.39 for the Critical Area Determination and it is assigned File Number CAO13-002. As noted above, City staff was already working on this application even before required fees were paid.

6. **June 18, 2013.** After receipt of the peer review, the City issued the "Coval Critical Areas Determination" for File No. 13-002. In that letter, City staff states:

it can be concluded that the Type 2 watercourse shown on City maps does not meet the definition of "watercourse" pursuant to MICC 19.16.010(W), and consequently will not be regulated as such.

Contrary to her email of April 9, no Notice of Decision of this determination was published or sent to adjacent property owners.

7. **October 2, 2013.** City staff, including Ms. Crick, George Steirer (Principal Planner), Pat Yamashita (City Engineer), Don Cole (Building Official), Kirsten Taylor (DSG Administrative Services Manager), and a representative from the City Attorney's office, attended a meeting with several area residents. A topic of concern, pointedly raised by neighbors, was that the City had not followed the terms of City codes in processing or issuing the June 18, 2013 Critical Areas Determination because of the lack of timely notice.

8. **October 11, 2013.** The applicant confirms that staff requested that it

withdraw the application for the Critical Area Determination CAO13-002 described above. In an email, the applicant's representative states:

Per your request this email is to withdraw the application for Critical Areas Determination CAO13-002. It is our understanding that because it has been established there are no critical areas on the Coval property there is no need to apply for this determination.

(Emphasis supplied). This email was not forwarded to any of the neighbors that attended the October 2nd community meeting and raised concerns about the processes followed by the city.

9. November 7, 2013. The undersigned sends a letter on behalf of neighbors requesting that Critical Area Determination No. CA013-002 be noticed.

10. November 8, 2013. Ms. Crick responds to my letter by stating:

The file was never considered complete. Therefore, a Notice of Application was not issued. A formal Notice of Decision was not issued, either, as to be expected for an incomplete file.

This decision making violates basic tenets of the City code: *how can the City issue a decision on an application when that application is incomplete?* In fact, the application appears to be complete, and no staff request for additional information is found in any emails or correspondence we have reviewed. Under City codes, unless deficiencies in the application are found, then the application is deemed complete within 28 days. See MICC 19.15.020(C)(2) ("*An application shall be deemed complete if the city does not provide a written determination to the applicant stating that the application is incomplete.*") This is stated in the email to the applicant dated April 9, described above. If the missing piece of the application was the peer review, that document was provided to the City in mid June, well before the June 18 decision. This is critical because the Notice of Application must be mailed to all property owners within 300 feet of the property following the determination of completeness. MICC 19.15.010(D)(1) ("*Within 14 days of the determination of completeness, the city shall issue a notice of application for all administrative, discretionary and legislative actions listed in MICC 19.15.010(E).*") No such notice was sent. As stated in the Critical Area Determination application:

The public may provide written comments on the proposal for a minimum of 14 days prior to the decision. A Notice of Decision will be mailed to the applicant and anyone who provides written comments on the proposal. Critical Area Determinations may be appealed to the Planning Commission.

City staff did not issue any kind of notice to the public, though the public record shows

almost daily communication between the staff and the developer, who relentlessly pressed staff for an early decision on its application.

What is particularly disturbing is that after the October 2 meeting with neighbors, when it was discovered that city staff had not followed notice procedures required by the code, staff requested that the applicant withdraw the Critical Area Determination application. This amounts to a substantial advantage to the applicant, who now avoids critical comments on its application on important aspects of the proposal. Of course, the developer will argue during the plat process that there is no watercourse or wetland on the property, citing the City's June 18 decision (made without any input from the public). We believe there is substantial evidence that, indeed, there is a watercourse. Withdrawal of an application after a binding decision has been made cannot be allowed to stand.

My clients, and several other neighboring property owners, have a significant interest in the Critical Area Determination. The watercourse (or upstream tributary flow as referred to in the applicants' Stormwater Site Plan) has been a source of many problems over the past several years such as flooding of private roads and driveways and damage to these structures, especially when the flow has become obstructed on the Coval property and backed up onto neighboring properties. So for them, the right to be notified and heard is not just a procedural issue.

The Mercer Island City Council has decided that Critical Area Determinations will be a transparent process, with opportunity for public comment during consideration of an application and allowance for an appeal once a decision is made. A decision on a Critical Area Determination is not just a matter between a land developer and city staff; the adjacent owners must be involved. Keep in mind that the Critical Area Determination Application was the invention of the property owners/applicants to smooth the way for their ultimate development proposal; the largest residential land development proposal in the City for many years. Staff has violated not only the letter of the law, but its spirit by eliminating the public from the process.

Based on the foregoing, we renew our request that the June 18, 2013 Critical Area Determination be vacated.

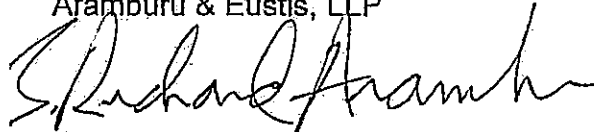
Following the vacation of that decision, the City should provide public notice as specified in the city code, give the public a reasonable opportunity to comment on the April 3, 2013 Critical Area Determination application, and allow interested parties to appeal the determination to the planning commission. In the meantime, the City should withhold, or withdraw as appropriate, any notice of completeness for the plat application until all review proceeding on the Critical Area Determination is complete. The City's lack of compliance with its own codes is a fatal flaw in the processing of this land development proposal; it is unlikely that a reviewing body or court would allow this defective decision-making to stand.

November 19, 2013
Page 5

We request a prompt response to this letter.

Sincerely yours,

Aramburu & Eustis, LLP

A handwritten signature in black ink, appearing to read "J. Richard Aramburu". The signature is fluid and cursive, with the first name "J. Richard" and last name "Aramburu" clearly distinguishable.

J. Richard Aramburu

JRA:cc

cc: Clients

Shana Crick, Planner (shana.crick@mercergov.org)

Rich Conrad, City Manager (rich.conrad@mercergov.org)

100

ARAMBURU & EUSTIS, LLP

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November 7, 2013

Shana Crick
Planner
City of Mercer Island Development Services Group
9611 ~~9811~~ S.E. 36th Street
Mercer Island, Washington 98040

Re: CAO 13-002, Coval Property at 3051 84th Avenue SE

Dear Ms. Crick:

This office represents Dr. Richard and Deborah Ferse, 3203 84th Ave. S.E., and Linda Chaves, 8265 S.E. 30th Place on Mercer Island. My clients have asked me to write concerning development applications for the 5.1 acre Coval property identified above.

We understand that the City has received applications for development at this location, including an application for a Critical Area Determination and for a Preliminary Plat for 18 lots on the property. For the reasons stated below, we believe that any consideration of a preliminary plat is premature because of the failure of the City to follow established procedures for the Critical Area Determination.

I. CRITICAL AREA DETERMINATION.

Mercer Island City codes allow a property owner to seek a "Critical Area Determination" as to the existence or extent of critical areas such as watercourses or wetlands. The decision authority for a Critical Area Determination is outlined in the Mercer Island Unified Land Development Code (in the Mercer Island Municipal Code or "MIMC") at Section 19.15.010(E).

Under the section Chapter 19.07 of the Mercer Island Municipal Code, a Critical Area Determination requires public notice:

19.07.020 General provisions.

B. Public Notice – Critical Area Determination. A critical area determination

requires public notice pursuant to MIMC 19.15.020(E) and this action may be appealed to the planning commission.

This is confirmed by Section 19.15.010(E) which reiterates the foregoing. Under MIMC 19.15.020(E)(2), public notice "shall be provided 10 days prior to the decision on the application." Notice is to be mailed to "all property owners within 300 feet of the property and posted on the property." MIMC 19.15.020(E)(4)(a). The notice shall describe the action to be taken by the City. MIMC 19.15.020(E)(3)(a). Persons who comment on the proposal are entitled to notice of the decision made on the application and an appeal may be made to the Mercer Island Planning Commission within 14 days of the date of the decision.

The Covals, the owners of the property at 3051 8th Avenue S.E. filed a "Development Application" for a Critical Area Determination on April 3, 2013 and paid the City a \$2,073.39 application fee. In a letter attaching the application, the applicant's "Project Manager" Scott Borgeson indicated the applicant intended to construct a "single family residential development" on the parcel. These application materials are attached hereto as Exhibit A. The letter went on to say that although the City's Watercourse Type Map indicated a type 2 watercourse on the west side of the property, it was "our opinion that no such watercourse exists." The letter concluded that:

We are seeking confirmation that the city agrees with this determination so that we can proceed with preparing preliminary plat application documents based on the site development plan.

In the Critical Area Determination application, just above the property owner's signature, a complete description of the required public notice, processing, decision notice and appeal provisions was set forth, as follows:

PUBLIC NOTICE AND REVIEW PROCESS: Critical Area Determinations require public notice in the City Permit Bulletin. The City will provide the applicant a public notice sign to post on the site (subject to a refundable deposit) and will mail the notice to all property owners within 300 feet of the subject property following the Determination of Completeness. The public may provide written comments on the proposal for a minimum of 14 days prior to the decision. A Notice of Decision will be mailed to the applicant and anyone who provides written comments on the proposal. Critical Area Determination decisions may be appealed to the Planning Commission. Appeals must be filed within 14 days following issuance of the Notice of Decision as provided in MIMC 19.15.020(J).

Despite these clear procedures, neither the applicant nor the City provided public notice to nearby residents or other interested parties; no public notice sign was posted on site and there was no mailing to property owners within 300 feet. We have also reviewed the Mercer Island Weekly Permit Bulletins from April 3 to the present and have found

no notice of the Critical Area Determination application, processing or decision.

In our review of City documents, we found that city staff did hire a consultant (The Watershed Company) to provide peer review of the applicant's proposal and prepare a report. Public records show considerable communication between the staff and the applicant on the subject of the Critical Area Determination. Again there was no notice that the City was undertaking review and no opportunity for the public to review the available reports and comment on them.

Eventually, the City made a "Critical Area Determination" which was sent to the applicant on June 18, 2013. A copy of that letter is attached as Exhibit B. The letter describes extensive communications and meetings with the applicant and the applicant's consultant, but does not reference any public notice. The Critical Area Determination stated:

...it can be concluded that the Type 2 watercourse shown on City maps does not meet the definition of "watercourse" pursuant to MIMC 19.16.010(W), and consequently will not be regulated as such.

No notice was given of the City's Critical Area Determination to nearby neighbors and no record of the City's decision is found in the Weekly Permit Bulletin.

In summary, at no time during the application review process did the city staff issue the required public notices that it had received an application, that it was considering the matter, that it was about to make a decision or that a decision had been made. The practical effect of the failure to provide notice was to deny adjoining neighbors the opportunity to comment on this important subject, a right accorded by city code. It made the critical area determination essentially a private matter between city staff and the applicant.

In addition, adjoining owners both above and below the watercourse designated by the City are directly impacted by the city action by possible changes in water flows. Because these actions may impact their property rights, these adjacent persons are entitled to notice of governmental decisions that may affect their property, under such authority as *Olympic Forest Products, Inc. v. Chaussee Corp.*, 82 Wash. 2d 418, 422, 511 P.2d 1002, 1005 (1973):

The fundamental requisites of due process are "the opportunity to be heard," *Grannis v. Ordean*, 234 U.S. 385, 394, 34 S.Ct. 779, 58 L.Ed. 1363 (1914), and "notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections," *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314, 70 S.Ct. 652, 657, 94 L.Ed. 865 (1950).

Property owners impacted by the City's decision are entitled under due process standards to notice of actions that permit major modification of the watercourse adjacent to their property. No such notice was given.

The City needs to take appropriate steps to assure that consideration of the Covals' Critical Area Determination application is consistent with not only Mercer Island codes, but also due process. These steps should include the following. First, rescind the June 18, 2013 Critical Area Determination. Second, provide public notice of the application for the Critical Area Determination as required by the MIMC codes to property owners within 300 feet and by posting on the site. Third, allow a minimum of 30 days for adjoining owners and the public to provide comments on the application for the Critical Area Determination. Fourth, provide notice of any decision on the application for a Critical Area Determination to those that comment on the application. Fifth, accept appeals to the Planning Commission of any Critical Area Determination decision that is made.

We certainly anticipate that the applicant will object to the foregoing remedial procedures. However, the applicant, represented by experienced land use counsel, was well aware of the required procedures and chose to proceed without compliance with them. Washington caselaw makes clear the developer is not entitled to special consideration under such circumstances:

Defendant started the project with full awareness that there were multiple, serious legal obstacles and cannot now claim relief simply because money was expended in the face of an awareness it might not have a legal right to proceed.

We have not been persuaded in the past that because a financial investment is in jeopardy, the public interest should suffer. *Wilbour v. Gallagher*, 77 Wash.2d 306, 462 P.2d 232 (1969) and *Bach v. Sarich*, 74 Wash.2d 575, 445 P.2d 648 (1968).

Eastlake Cmty. Council v. Roanoke Associates, Inc., 82 Wash. 2d 475, 484-85, 513 P.2d 36 (1973). *Eastlake* also establishes another important proposition concerning the administration of land use ordinances:

We have held that:

The acts of administering a zoning ordinance do not go back to the questions of policy and discretion which were settled at the time of the adoption of the ordinance. Administrative authorities are properly concerned with questions of compliance with the ordinance, not with its wisdom.

(Italics ours.) *State ex rel. Ogden v. Bellevue*, 45 Wash.2d 492, 495, 275 P.2d 899, 902 (1954). This rule is of equal force in the administration of a building code. To permit another course of administrative behavior, thereby inviting discretion, may well result in violations of the equal protection of the laws. The

code is positive in its requirements and contains no exceptional procedures like those employed here; hence, no city officer was authorized to permit its violation. The duty of those empowered to enforce the codes and ordinances of the city is to insure compliance therewith and not to devise anonymous procedures available to the citizenry in an arbitrary and uncertain fashion.

Eastlake, 82 Wash. 2d at 482. Mercer Island city codes are absolutely clear as to the procedures to be followed in processing a Critical Area Determination application.

As described above, it is incumbent on the City to rescind its prior Critical Area Determination and follow established procedures. It is far better to correct processing errors at this time, before further processing of other permit applications, rather than risk having to repeat actions later, following administrative or judicial review, when considerably more time and money is spent by all interested parties.

II. COMPLETENESS OF PRELIMINARY PLAT APPLICATION.

As noted above, the City has failed to follow clear procedures for notice and processing of the applicant's Critical Area Determination. The failure of the City to follow its own codes requires that the June 18, 2013 Critical Area Determination for the Coval property be rescinded and that the application be reconsidered after notice and comment requirements are met.

It is also clear that the configuration of the preliminary plat relies on the Critical Area Determination. The applicant's cover letter of April 3, 2013 made clear that the preparation of preliminary plat application documents was dependent on the Critical Area Determination. The actual Critical Area Determination of June 18, 2013 made the same determination:

Therefore, any subsequent development of the above referenced property would not be subject to buffer restrictions associated with regulated watercourses and/or wetland under the current regulations

Accordingly, there should be no further processing of the preliminary plat application until the watercourse issue is resolved. My clients and others who may receive notice of the Critical Area Determination application are likely to challenge the applicant's request for a Critical Area Determination and may appeal the eventual decision to the Planning Commission. If it is determined that a Type 2 Watercourse does exist on the applicant's property, then the preliminary plat must be modified to accommodate the watercourse (or wetland). Related to current processing of the preliminary plat application, no Notice of Completeness can be issued while the Critical Area Determination is outstanding. Once the Critical Area Determination is made following required code procedures, and the presence or absence of the Type 2 Watercourse is finally resolved, then the city can proceed to a notice of complete plat application.

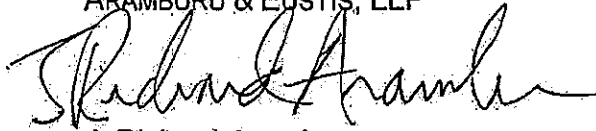
November 7, 2013
Page 6

finally resolved, then the city can proceed to a notice of complete plat application.

Thank you for your consideration of this letter. We look forward to your prompt response to the issues raised in this letter.

Sincerely yours,

ARAMBURU & EUSTIS, LLP



J. Richard Aramburu

JRA:cc

cc: Clients
Mercer Island City Attorney, Katie Knight



The Coval House

HOME HISTORY EXPLORE GARDENS CONTRIBUTORS RESOURCES CONTACT



Orchard and Vegetable Gardens

"Trees are the earth's endless effort to speak to the listening heaven."
- Rabindranath Tagore

The layouts of the Coval House orchards and gardens are very similar to the traditional German "Streuobstwiese" or meadow orchard, an informal arrangement of fruit and nut trees scattered throughout an open meadow. There are advantages to a Streuobstwiese over a grid structure typical of production orchards. A meadow orchard, with a random mixture of species throughout the landscape, echoes the biodiversity of a natural forest. It not only supports the needs of the native wildlife more effectively, a meadow orchard has less negative upon the soil. Secondly, a Streuobstwiese while primarily existing for food production, also contributes to the aesthetics of an ornamental garden. Fruit trees produce beautiful flowers in the spring, and mature fruit trees can rival many ornamentals with their color. In addition, the meadow orchard adds spectacular color and texture in the fall and provides appropriate scale to the five-acre estate of the Coval House. The old fruit and nut trees along with the grand native trees on the property also provide the foundation for the valuable ornamentals that have been added in recent decades.

The fruit orchard consists of apple, pear, cherry, quince and plum trees, many of which are old growth trees planted by David Alexander between 1903-1915. There are many different varieties, some of the early apple varieties are rare and still yet to be identified. The nut trees include French Chestnut, English Walnut and Hazelnut. In addition to fruit and nut trees there are berries, grapes and two large vegetable gardens on the estate.

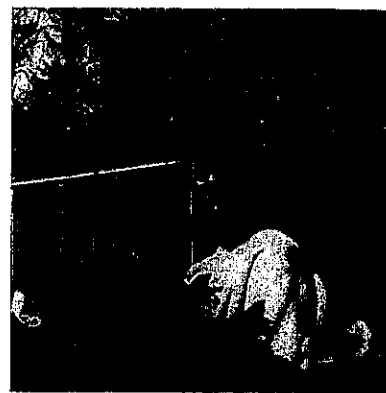
There are forty-three apple trees on the estate including Gravenstein, Transparent, Melrose, Spartan, and Northern Spy which continue to produce from fifty to one hundred gallons of outstanding juice per year. A cold storage room on the estate keeps fruit that will be used for applesauce, vinegar, and fantastic pastries. In addition to the apple trees, there are six pear trees including Bosc, Bartlett and Asian varieties, and four cherry trees, two Bings and two Rainiers. Plums include Shiro, Italian, Duarte and Greengage varieties.

The two French Chestnuts just west of the Master Bedroom are of historic note, being planted by David Alexander around 1910. The Chestnut trees continue to produce prolifically, and have also produced a number of volunteer trees that have been relocated to other sites on the estate.

There are two vegetable gardens, one near the sport court and the other located on the southwest corner of the property. The northeast garden typically produces lettuce, tomatoes, herbs, peppers, onions, artichokes and more. The southwest garden has currants, corn, pumpkins and melons. There are blueberries, raspberries, currants and grapes at ideal locations around the estate that also contribute to the organic harvest. No pesticides or chemicals are used anywhere on the Coval Estate, assuring everything grown is 100% organic.

One unexpected by-product of the fruit trees is the trimmings and branches left from the yearly pruning. These are collected, dried and used in the fish smoker. The smoker has produced hundreds of delicious salmon fillets using apple wood, pear wood and cherry wood. Countless visitors to the Coval House have left the estate with a gallon of apple juice and a gem of smoked salmon, smiling in disbelief at their good fortune.

For a detailed list of trees and plants on the Coval estate, go to "Resources/ Specifications".



Barbara Coval enjoying the fruits of her gardening labor.



Tong Seng Tong Hap completing yet another productive day in the vegetable garden.

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425.888.1457 dave@davidpaulack.com



CITY OF MERCER ISLAND

9611 SE 36th Street • Mercer Island, WA 98040-3732

(206) 275-7605 • FAX (206) 275-7726

www.mercergov.org

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JUL 5 0 2013

CITY OF MERCER ISLAND
DEVELOPMENT SERVICES

June 18, 2013

Wes Giebrecht
North Bluff Developments, Ltd.
15080 North Bluff Road
White Rock BC V3B 5C1

RE: File No. CAO13-002 – Coval Critical Areas Determination

3051 84th Avenue SE, Mercer Island WA 98040;

King County Parcel No. 122404-9010

Dear Wes Giebrecht:

On April 3, 2013, the City received an application for a Critical Areas Determination (file number CAO13-002) to establish whether a watercourse is located on the above referenced property. City maps indicate that there is a Type 2 watercourse that runs from south to north across the center of the subject property. The watercourse is then shown to continue to the north into a pipe (Enclosure 1). Pursuant to Mercer Island City Code (MICC) 19.07.020(C), City maps are to be used for reference only. MICC 19.07.020(C) states "the applicant is responsible for determining the scope, extent and boundaries of any critical areas to the satisfaction of the code official." The applicants submitted to the City a "Critical Areas Review" dated March 30, 2013 and performed by Larry Burnstad of Watershed Dynamics (Enclosure 2). The report evaluated the site to determine whether the potential watercourse on the subject property met the following definition of "watercourses" in MICC 19.16.010(W):

A course or route, formed by nature and generally consisting of a channel with a bed, banks, or sides throughout substantially all its length, along which surface waters, with some regularity (annually in the rainy season), naturally and normally flow in draining from higher to lower lands. This definition does not include irrigation and drainage ditches, grass-lined swales, canals, storm water runoff devices, or other courses unless they are used by fish or to convey waters that were naturally occurring prior to construction.

The applicant's critical areas report concluded that there was not a watercourse either on or immediately adjacent to the Coval property (Enclosure 2, page 13).

As this application for a Critical Areas Determination was submitted ahead of a formal subdivision application, City staff decided to submit the project for peer review. The City contracted with the Watershed Company to perform a second watercourse study on the subject property. On April 17, 2013, the City received the peer review of Watershed Dynamics' critical areas study prepared by Nell Lund (Enclosure 3). On page 4 of Enclosure 3, the peer reviewer concurred with the applicant's assessment of the watercourse:

Although surface water is evidently conveyed through the ravine, flows are not substantial enough to produce a distinct bed and banks through substantially all its length. Based on my interpretation of the definition above, this feature is not a regulatory watercourse.

Exhibit B

Nevertheless, the report from the Watershed Company stated that there were wetland conditions observed in a ravine on site.

...wetland conditions were observed in association with the mapped onsite watercourse. Standing water, saturated soils and a high ground water table was observed both above and below the interior dirt road (See photo documentation below). Vegetation in wet areas is characterized by osoberry, English holly, iris, lady fern, creeping buttercup, and at least one skunk cabbage.

On May 8, 2013, the applicant submitted to the City a second critical areas review prepared by Larry Burnstad (Enclosure 4), which addressed the potential wetland conditions on the subject site. Mr. Burnstad concluded that there were no regulated wetlands on the property. There was limited hydrophytic vegetation on site, which was located in an area subject to alterations to support landscaping (Enclosure 4, pages 2 and 3). Additionally, saturated soils could be attributed to above average precipitation (Enclosure 4, page 5).

The applicant was contacted on June 3, 2013 regarding contracting for peer review on Mr. Burnstad's report in response to potential wetland conditions on site. On June 11, 2013, the City received a report from Mr. Burnstad reaffirming his initial conclusions presented in his May 2, 2013 memo and restating that wetland conditions do not exist on the site (Enclosure 5). To resolve the wetland issue, Nell Lund of the Watershed Company and Larry Burnstad of Watershed Dynamics met with Wes Giesbrecht, Fred Glick, and Shana Crick on the subject property. Nell Lund performed an additional site investigation and determined that wetland conditions did not exist on the subject property. Ms. Lund's conclusions are documented in an addendum to her initial critical areas study (Enclosure 6), which was received by the City on June 17, 2013.

Suspected wetland areas with the ravine were thoroughly evaluated and found to be non-wetland. Additional hydrology data was provided by Watershed Dynamics, in addition to landscaping and irrigation details. Finally the site visit revealed a lack of wetland hydrology indicators within sampled soil pits.

Taking into consideration the findings of both Watershed Dynamics and the Watershed Company, it can be concluded that the Type 2 watercourse shown on City maps does not meet the definition of "watercourse" pursuant to MICC 19.16.010(W), and consequently will not be regulated as such. Furthermore, Mr. Burnstad's reports (Enclosures 4 and 5) and Ms. Lund's Follow up to Peer Review of Critical Areas Study (Enclosure 6) verified that regulated wetlands are not present on the subject property. Therefore, any subsequent development of the above referenced property would not be subject to buffer restrictions associated with regulated watercourses and/or wetlands under the current regulations.

Please do not hesitate to contact me via e-mail at shana.crick@mercergov.org or by phone at 206-275-7732 if you have any questions.

Sincerely,

Shana Crick

Shana Crick, Planner
City of Mercer Island Development Services Group

Copy: Myer Coval
Fred Glick

Enclosures (6)

CAO13-002

ADDRESS: 3051 84TH AVE SE

PROJECT TYPE: CRITICAL AREAS STUDY

OWNER: COVAL, MEYER

APPLICANT: NORTH BLUFF DEVELOPMENT

(206)769-1888



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 9611 SE 36th Street • Mercer Island, WA 98040-3732
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Development Application

STREET ADDRESS/LOCATION		Zone	OFFICE USE ONLY	
3051 84th Avenue SE / Mercer Island, WA 98040		R-9.6	PERMIT #	RECEIPT #
COUNTY ASSESSOR PARCEL #'S		Parcel size (sq. ft.)	DATE RECEIVED	BY
122404-9010		222,150 SF	CA013-002	132774
				\$2,073.39
			4/3/13	811

PROPERTY OWNER	ADDRESS	CELL/OFFICE:
Myer Coval	3051 84th Avenue SE / Mercer Island, WA 98040	N/A
PROJECT CONTACT NAME	ADDRESS	E-MAIL:
North Bluff Developments LTD. (Was Giesbrecht)	15080 North Bluff Road / White Rock B.C. (Canada) V3B 5C1	N/A
TENANT NAME	ADDRESS	CELL/OFFICE: (206) 769-1888
N/A	N/A	E-MAIL: atlin@qwestoffice.net
		CELL PHONE: N/A
		E-MAIL: N/A

DECLARATION: I HEREBY STATE THAT I AM THE OWNER OF THE SUBJECT PROPERTY OR I HAVE BEEN AUTHORIZED BY THE OWNER(S) OF THE SUBJECT PROPERTY TO REPRESENT THIS APPLICATION, AND THAT THE INFORMATION FURNISHED BY ME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SIGNATURE

DATE: 4/2/13

PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):

The project proposes to construct a single-family residential development with a total project area of approx. 5.1-acres. It is located west of Luther Burbank Park at 3051 84th Avenue SE. The single-family lots will be accessed by a private access tract. The purpose of this application is to seek confirmation that the Type 2 Watercourse, as delineated on the City of M.I. Watercourse Type Map, is not a Watercourse per the Critical Area Study performed on March 30 2013 by Watershed Dynamics.

(PLEASE USE ADDITIONAL PAPER IF NEEDED) ATTACH RESPONSE TO DECISION CRITERIA IF APPLICABLE

CHECK TYPE OF USE PERMIT(S) REQUESTED (APPLICABLE):

* A 3% TECHNOLOGY FEE IS INCLUDED IN EACH OF THE FEES BELOW

APPEALS

☐ Land use

\$889.50

DEVIATIONS (CONTINUED)

☐ Setback Critical Areas \$2,073.39

☐ Impervious Surface \$2,074.42

☐ Shoreline \$2,765.55

☐ Wet Season Construction

Moratorium \$846.66

ENVIRONMENTAL REVIEW

(SEPA CHECKLIST)

☐ Residential \$415.09

☐ Non-residential \$1,382.26

☐ Environmental Impact St. \$2,074.42

SHORELINE MANAGEMENT

☐ Exemption \$138.02

☐ Permit Revision \$553.11

☐ Recreation-modify \$553.11

☐ Recreation-new \$1,382.26

☐ Substantial Dev. Permit \$1,382.26

SUBDIVISION LONG PLAT

☐ 2-3 Lots \$6,913.38

☐ 4-5 Lots \$9,878.91

☐ 6 or greater \$12,443.43

☐ Long Plat Amendment \$3,456.68

☐ Alteration to Existing \$3,456.68

☐ Final Plat Subdivision \$2,765.55

Review

SUBDIVISION SHORT PLAT

☐ Two Lots \$3,456.68

☐ Three Lots \$4,147.81

☐ Four Lots \$4,838.94

☐ Variance / Acreage

Limitation \$691.13

☐ Short Plat Amendment \$1,728.34

☐ Alteration to Existing \$1,728.34

VARIANCES

☐ Type 1 \$2,765.55

☐ Type 2 (Single-Family Only) \$1,530.58

OTHER LAND USE

☐ Accessory Dwelling Unit (ADU) \$138.02

☐ Comp Plan Amendment (CPA) \$3,179.61

☐ Conditional Use Permit (CUP) \$5,531.10

☐ Lot Line Rev.-Minor \$2,074.42

☐ Lot Line Rev.-Major \$3,456.68

☐ Lot Line Consolidation \$691.13

☐ Lot Line Amendment \$1,037.21

☐ Rezoning Action \$3,456.68

☐ Right-of-Way \$400.78

Encroachment Agreement

☐ Zoning Code Text

Amendment \$3,179.61

FOR CITY USE ONLY - DO NOT WRITE BELOW THIS LINE

SEPA CATEGORICALLY EXEMPT:

☐ Yes

☐ No

SEPA CHECKLIST REQUIRED:

☐ Yes

☐ No

PERMIT FEE:

PERMIT FEE:

TOTAL FEES:

11711 S.E. 8TH STREET
SUITE 303
BELLEVUE, WA 98005

T 425.453.9501
F 425.453.8208
WWW.PACLAND.COM



April 3rd, 2013

Shana Crick
City of Mercer Island
9611 SE 36th Street
Mercer Island, WA 98040

Subject: Coval Property - Critical Area Determination

Dear Ms. Crick,

The purpose of this letter is to provide a written description and summary of the proposed project that requires the Critical Area Determination.

The project proposes to construct a single-family residential development on a parcel with a total project area of approximately 5.1-acres. The parcel number included in this project is 122404-9010. It is generally located west of Luther Burbank Park at 3051 84th Avenue SE. The parcel is zoned R-9.6. The property is currently developed with a large single-family home with accessory structures and landscape features. Lot sizes will be designed per city of Mercer Island code.

Per the City of Mercer Island Watercourse Type Map, there appeared to be a type 2 watercourse located on the west side of the subject property. As explained in the Critical Area Report prepared by Watershed Dynamics dated March 30, 2013, it is our opinion that no such watercourse exists.

We are seeking confirmation that the city agrees with this determination so that we can proceed with preparing preliminary plat application documents based on this site development plan. If you would like to discuss this request further with me, please contact me at (425) 453-9501, x1528 or sborgeson@pacland.com.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Borgeson", with a long horizontal line extending to the right.

Scott Borgeson, P.E.
Project Manager



CITY OF MERCER ISLAND
9611 SE 36th Street • Mercer Island, WA 98040-3732
PHONE (206) 275-7605 • FAX (206) 275-7726
www.mercergov.org

Critical Area Determination

Submittal Requirements and criteria for an administrative action by the code official pursuant to MICC 19.15.010(E) to allow reduction or averaging of a wetland or watercourse buffer.

FEES: See Development Application form for fee information

The reduction or averaging of a watercourse or wetland buffer requires a Critical Area Determination. The decision authority for a Critical Area Determination is the Code Official as outlined in the Mercer Island Unified Land Development Code Section 19.15.010(E), Administrative Actions. The decision will be made following mailing of a public notice to residents within 300' of the subject property and posting of the site, by the applicant, with a City furnished sign in a location on the property and visible to the public right-of-way. If a buffer reduction or averaging through a Critical Area Determination permit does not provide the necessary relief, then a property owner may apply for a Reasonable Use Exception (19.07.030(B)), which requires a public hearing in front of the Hearing Examiner. Please also see the Critical Area Setback Deviation [MICC 19.02.020(C)(4)].

PRE-APPLICATION: Applicants are required to participate in a pre-application meeting with City staff, per MICC 19.09.010(A). Call Development Services staff to schedule a pre-application meeting. Meetings with the staff provide an opportunity to discuss the proposal in conceptual terms, identify the applicable City requirements and explain the project review process. Applicants are encouraged to talk with their neighbors about their proposal. Meetings or correspondence with the neighborhood serve the purpose of informing the neighborhood of the project proposal prior to the formal notice provided by the City.

CRITICAL AREA MAPS: The approximate location and extent of critical areas are shown on Critical Area Maps available for review at the Development Services Group. These maps are to be used as a reference only. The applicant is responsible for determining the scope, extent and boundaries of any critical areas to the satisfaction of the code official through the Critical Area Report per MICC 19.07.020(C). City reference maps do not constitute a decision by the City that a critical area exists or a classification.

APPLICATION MATERIALS: All applications for permits or actions to the City shall be submitted on forms provided by the Development Services Group, including the "Development Application" form. An application shall contain all information required by the applicable development regulations, and shall include the following general information:

1. A clear and concise written description and summary of the proposed project that requires the Critical Area Determination. A Critical Area Determination is required to reduce or average a wetland or watercourse buffer. The description must clearly state the proposed buffer requested (if wetland or watercourse) and such buffer must be within the range identified for the maximum and minimum buffers in MICC 19.07.070 or MICC 19.07.080.

2. A verified statement by the applicant that the subject property is in the exclusive ownership of the applicant, or that the applicant has submitted the application with the consent of all owners of the property.
3. A legal description of the site and parcel number.
4. A Critical Area Study prepared by a qualified professional (e.g. stream/wetland biologist) containing the information identified in MICC 19.07.050, including:
 - A. Site survey prepared by a Washington State licensed surveyor (showing property lines, adjacent right-of-ways, location of existing and proposed structures, etc.) for the subject property.
 - B. Cover sheet and site construction plan.
 - C. Mitigation and restoration plan to include the following information:
 1. Delineation of critical areas and buffers;
 2. Classification of critical areas based on the requirements of MICC 19.07.060, 19.07.070, 19.07.080 and the definitions contained in Chapter 19.16;
 3. If a reduction of buffer is requested, the report must detail the specific mitigations that are proposed, consistent with the list of mitigation options identified in MICC 19.07.070(B)(2) that results in no net loss of critical area function; See details below.
 4. If buffer averaging is requested, the report must address the criteria identified in MICC 19.07.070(B)(3); See details below.
 5. Location of existing trees and vegetation and proposed removal of same;
 6. Location, type, and number of replacement trees and vegetation;
 7. In the case of a wildlife habitat conservation area, identification of any known endangered or threatened species on the site;
 8. Proposed grading;
 9. Description of impacts to the functions of critical areas; and
 10. Proposed monitoring plan. Please see MICC 19.07.040(J).A mitigation and restoration plan may be combined with a stormwater and erosion/sediment control management plan or other required plan. Additional requirements that apply to specific critical areas are located in Watercourses; MICC 19.07.080, Wetlands and MICC 19.07.090, Wildlife Habitat Conservation Areas.
 - D. Stormwater and erosion control management plan consistent with chapter 15.09 MICC: Off-site measures may be required to correct impacts from the proposed alteration.
 - E. Other technical information consistent with the above requirements, as required by the code official.

The critical area study requirement may be waived or modified if the code official determines that such information is not necessary for the protection of the critical area.

BUFFER REDUCTION CRITERIA: All requests to reduce a buffer must detail the specific mitigations that are proposed, consistent with the list of mitigation options identified in MICC 19.07.070(B)(2). The code official may allow the standard buffer

width to be reduced to not less than the minimum width in accordance with an approved critical area study when he/she determines that all of the following apply:

- That a smaller area is adequate to protect the watercourse;
- The impacts will be mitigated by using combinations of the mitigation options;
and
- The proposal will result in no net loss of watercourse and buffer functions*
- However, in no case shall a reduced buffer contain a steep slope

In determining a buffer, the code official may consider the following mitigation options:

- Permanent removal of impervious surfaces and replacement with native vegetation;
- Installation of biofiltration/infiltration mechanisms such as bioswales, created and/or enhanced wetlands, or ponds supplemental to existing storm drainage and water quality requirements;
- Removal of noxious weeds, replanting with native vegetation and 5 year monitoring;
- Habitat enhancement within the watercourse such as log structure placement, bioengineered bank stabilization, culvert removal, improved salmonid passage and/or creation of side channel or backwater areas;
- Use of best management practices (e.g. oil/water separators) for storm water quality control exceeding standard requirements;
- Installation of pervious material for driveway or road construction;
- Use of "green" roofs in accordance with the standards of the LEED Green Building Rating System;
- Restoration of off-site area if no on-site area is possible;
- Removal of sources of toxic material that predate the applicant's ownership; and
- Opening of previously channelized and culverted watercourses on or off-site.

**Please note that the City reserves the right to require third party review of the Critical Area Report prepared by the qualified professional at the applicant's expense to verify conclusions, methods, etc.*

BUFFER AVERAGING CRITERIA FOR APPROVAL: The code official may allow the standard buffer width to be averaged if:

- The proposal will result in a net improvement of critical area function;
- The proposal will include replanting of the averaged buffer using native vegetation;
- The total area contained in the averaged buffers on the development proposal site is not decreased below the total area that would be provided if the maximum width were not averaged;
- The standard buffer width is not reduced to a width that is less than the minimum buffer width at any location; and
- That portion of the buffer that has been reduced in width shall not contain a steep slope.

WATERCOURSE BUFFERS: Standard buffer widths shall be as follows, measured from the ordinary high water mark (OHWM), or top of bank if the OHW cannot be determined through simple non-technical observations. The code official may allow a reduction up to the minimum buffer width as previously described in the criteria.

1. **Type 1 Watercourse.** Watercourses or reaches of watercourses used by fish, or are downstream of areas used by fish.

2. **Type 2 Watercourse.** Watercourses or reaches of watercourses with year-round flow, not used by fish.
3. **Type 3 Watercourse.** Watercourses or reaches of watercourses with intermittent or seasonal flow and not used by fish.
4. **Restored Watercourse.** Any Type 1, 2 or 3 Watercourse created from the opening of previously piped, channelized or culverted watercourses.

Watercourse Type	Standard (Base) Buffer Width (feet)	Minimum Buffer Width with Enhancement (ft)
Type 1*	75	37
Type 2	50	25
Type 3	35	25
Restored or Piped	25	Determined by the code official

* There are no known Category I wetlands in the City.

WETLAND BUFFERS: Standard buffer widths shall be established from the outer edge of wetland boundaries and wetland rating shall be based on the categories set forth in the Washington State Wetland Rating System for Western Washington, Publication #04-06-025 dated August 2004, updated in June 2006 (Version 2). A summary of the classification system is provided below:

1. **Category I Wetlands.** Category I wetlands are those that meet the following criteria:
 - a. Wetlands that are identified by scientists as high quality or high-function wetlands;
 - b. Bogs larger than one-half acre;
 - c. Mature and old-growth forested wetlands larger than 1 acre; or
 - d. Wetlands that are undisturbed and contain ecological attributes that are impossible to replace within a human lifetime.
2. **Category II Wetlands.** Category II wetlands are not defined as Category I wetlands and meet the following criteria:
 - a. Wetlands that are identified by scientists as containing "sensitive" plant species;
 - b. Bogs between one-quarter and one-half acre in size; or
 - c. Wetlands with a moderately high level of functions.
3. **Category III Wetlands.** Category III wetlands do not satisfy Category I or II criteria, and have a moderate level of functions. These wetlands generally have been disturbed in some ways, and are often less diverse or more isolated from other natural resources than Category II wetlands.
4. **Category IV Wetlands.** Category IV wetlands do not satisfy Category I, II or III criteria; and have the lowest level of functions; and are often heavily disturbed.

Wetland Type	Standard (Base) Buffer Width (feet)	Minimum Buffer Width with Enhancement (ft)
Category I	100	50
Category II	75	37
Category III	50	25
Category IV	35	25

PUBLIC NOTICE AND REVIEW PROCESS: Critical Area Determinations require public notice in the City Permit Bulletin. The City will provide the applicant a public notice sign to post on the site (subject to a refundable deposit) and will mail the notice to all property owners within 300 feet of the subject property following the Determination of Completeness. The public may provide written comments on the proposal for a minimum of 14 days prior to the decision. A Notice of Decision will be mailed to the applicant and anyone who provides written comments on the proposal. Critical Area Determination decisions may be appealed to the Planning Commission. Appeals must be filed within 14 days following issuance of the Notice of Decision as provided in MICC 19.15.020(J).

Application for a Critical Area Determination involves substantial time, expense, and risk for a property owner. Application does not guarantee approval. Request must meet difficult criteria, and applicants are proceeding "at their own risk".

M. L. Goral

Signature of property owner

4-2-2013

Date

APRIL

3051-84th Ave. S.E. MERCER ISLAND, WA 98040

Site Address



NOTE: THIS MAP IS PART OF AN ONGOING SURVEY. THERE ARE STILL AREAS NEAR THE NORTHWEST CORNER AS WELL AS THE SOUTH LINE THAT HAVE NOT BEEN SURVEYED. THIS MAP IS CURRENT AS OF APRIL 2, 2011.

EXHIBIT 58

Shana Crick

From: Cheryl Frizzell [cafrizzell@comcast.net]
Sent: Monday, December 09, 2013 7:26 PM
To: Shana Crick
Subject: Coval property

Follow Up Flag: Follow up
Flag Status: Flagged

Shana,

We would like to be listed as a person of record for any correspondence concerning the Coval property.

Please include my email: cafrizzell@comcast.net, and our address:

William and Cheryl Frizzell
8375 SE 30th Place
Mercer Island, WA 98040

It would be appreciated if you could confirm receipt of this email.

We live adjoining the property on the north side. Our home is on the corner of 30th Place and 84th Ave. SE.

I do have quite a concern about the drainage in the open culvert on the west side of 84th Ave. SE. It is my understanding that the open culvert in front of the Coval property will be piped and covered.

That would seem to present a potential for increased erosion in the open culvert between the north end of the Coval property, and SE 30th Place. That would mean the culvert is covered both north and south of us, but not adjoining our property line.

It seems reasonable to anticipate increased erosion alongside our house, when the water is no longer absorbed into the open earthen culvert which currently exists in front of the Coval property.

There would be increased run-off since water is not being absorbed in the ground, but is instead being funneled through the pipe. And then back into the open culvert.

This is a significant concern for us, and I would appreciate your further guidance in making this concern known. Would you recommend we come by the city hall and speak with someone there?

Many thanks, Cheryl Frizzell

Shana Crick

From: Lisa Zaidi [lisayzaidi@gmail.com]
Sent: Monday, December 09, 2013 8:36 PM
To: Shana Crick
Subject: Regarding proposed development of Coval property

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Crick:

My husband, Glenn Blumstein, and I have lived on Mercer Island for 20 years. We have raised our children here and anticipate enjoying many more years on our wonderful Island. We currently live at 8241 SE 30th Street.

We are extremely disappointed with Mercer Island Planning Commission decisions in our neighborhood over the past number of years. The first bitter disappointment occurred when the Planning Commission authorized the construction of 5 enormous homes at the end of our street, where there had previously been one modest home on a heavily wooded property. Glenn and I were active in trying to have our concerns heard at the time and attended meetings, wrote letters, etc but Randy Koehler's RKK Development Company prevailed and he successfully lobbied to build the 5 large homes. At the time we --along with our neighbors-- voiced concerns about traffic on our narrow street, about the potential loss of numerous old growth trees and the subsequent impact on wildlife, birds, privacy, and the overall peaceful ambiance of our Island street.

Our pleas were to no avail and RKK submitted plans which indicated he would respect the concerns of neighbors and protect as many trees as possible, etc. Numerous trees were removed initially, with approval from the City, as the land was cleared but several large ones were encircled with protective tape and straw-- ostensibly to be preserved throughout the construction process. As it turned out, on a late night walk with out dog we discovered piles and piles of enormous logs from old growth trees originally slated to be protected. We called the City to report this. The City Arborist came out and confirmed that, though the original plans had designated these trees to be among those skirted and saved, they had subsequently been found to be impediments to the placement of utility and sewer lines and, thus, their loss was inevitable. Mr. Koehler was reprimanded, fined a nominal fee, and instructed to replace these ancient trees with a designated number of saplings upon completion of his construction in the area. We were left extremely disappointed regarding cynical strategies employed by developers (and given a wink and a nod by City Planners) who well know which trees will be in the way and need to go once construction already begins.

The access to these properties at the end of 30th Street was another initial concern as there is now a narrow road that bisects the 5 new lots, which allows no room whatsoever for turn-around (this was shown on the original plans but, contrary to concerns expressed by neighbors and other concerned citizens, seemed to present no concern to Mr. Koehler or his friends on the Planning Commission). Garbage and delivery trucks need to back down the end of the street to access these houses and overflow parking occurs in the original 30th Street in front of neighbors' homes. It is unclear what would happen in the event of an emergency necessitating firetruck access to these five new homes--the truck would have to maneuver backwards around a sharp curve to reach the homes.

Also, the original street in front of our home (30th Street) was pounded continually by construction vehicles for years (the project spanned at least 6 years), causing damage to 30th Street and significant subsidence to our now seriously cracked raised driveway. Parking of dump trucks, earth movers, and other construction vehicles impeded access in our street for years.

Fortunately, the construction at the end of our street finally ended earlier this year. I provide this detailed background simply to present a context for the concerns we now have about the proposed development of the Coval property.

We learned that the lovely Coval property has been sold to a Canadian developer who intends to construct 18 homes on this gorgeously-landscaped and lovingly-maintained single-home property! Our home is a couple of streets down the hill from the property and, though we will not be as traumatically impacted as neighbors living in closer proximity to the construction, we have significant concerns as follows:

1. Our property includes a segment of the watercourse which originates up the hill and runs through the Coval property. This segment of our property is already very wet in the fall through spring months and, with the removal of the significant amount of water-absorbing native vegetation necessitated by construction of the proposed scale, the watercourse will likely become overwhelmed by the sheer volume of water cascading down the hill. Not only will this likely render our "side yard" (as we call it) unusable, it also poses a risk to the overall stability of the hill as the capacity for absorption of water by the earth is overwhelmed by the volume.
2. As citizens of the Island we must abide by construction provisions which do not allow us to build/create anything on this watercourse--just as we would not be allowed to remove trees without consulting the City. Yet, it seems that an entirely different set of provisions exist for developers who can do as they please with the environment, without regard to the greater good. And, even if they claim they will adhere to strictures regarding tree removal, watercourse area construction, etc they can simply promise they will comply and then--oops--claim extenuating circumstances (e.g., trees were in the way or the watercourse couldn't be avoided) once it is too late to do anything about it and the damage is done. There should not be a double standard for ordinary citizens and developers.
3. 84th Street--affectionately known as "Snake Hill" by long-time Mercer Island residents--is already a busy street used as a short-cut to other parts of the Island. As is, it is often treacherous to walk along the street and we already worry about the neighborhood kids waiting at the end of 30th Street for the school bus. The idea that the predicted EXTRA amount of car traffic could be up to 180 vehicle trips per day is shocking given the nature of the street (winding, hilly, without sidewalks, with hidden entrances to driveways and cul de sacs, etc).
4. The impact of removing 196 trees over 6" in diameter is significant and poses an irreversible threat to the natural beauty and character of our neighborhood. The Coval property was one of the only large pieces of land on the Island which retained the original character of orchards and woodland that is our environmental legacy on this Island. It is irresponsible and high-handed of the Planning Commission to reward a profit-maximizing venture of the kind proposed by the Rykon Development Group at the expense of community concerns.

In sum, though the entire RKK development saga described above had already soured my view of the relative weight placed by the Planning Commission on concerns of citizens versus developers, I simply cannot believe that the Planning Commission would now consider granting permission for a new project of the scale proposed for the Coval property--one which so egregiously flaunts the stated missions of preserving the beauty, character and peace of our Island and threatens the well-being and safety of Mercer Island citizens. Please do not allow the building of the proposed 18 homes and the desecration of the land this will entail.

We would like to be "persons of record" regarding this matter.

Sincerely,

Lisa Zaidi Blumstein and Glenn Blumstein

8241 SE 30th Street

--

Lisa Y. Zaidi, Ph.D.
Licensed Clinical Psychologist

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EXHIBIT 60

R.W. THORPE & ASSOCIATES, INC.

Seattle • Anchorage • Denver • Winthrop

❖ Planning | Landscape Architecture | Project Management | Environmental | Economics ❖

PRINCIPALS:

Robert W. Thorpe, AICP, President
Stephen Speidel, ASLA

ASSOCIATES:

Lee A. Michaelis, AICP, Senior Associate
Lindsay Diallo, RLA, Associate

December 9, 2013

Richard Aramburu
Attorney At Law
Aramburu & Eustis
720 3rd Ave Ste 2112
Seattle, WA 98104

Reference: Coval Plat # SUB 13-09 and SEPA 13-031

Proposed 18 lots on 5 acres at 2051 84th Avenue SE, Mercer Island
Letter for Record on Preliminary Plat and SEPA Process

Dear Richard:

The following is an outline of my comments in preparation for:

1. The SEPA Review, and
2. Comments for the Planning Commission Public Hearing in January.

SEPA Determination

Background: As the City's former SEPA Official, and key member on the WA DOE SEPA Guidelines Update, SEPA Responsible Official for a number of Washington Cities and Counties, and supervising numerous SEPA Documents/Appeal briefs, we would recommend the Responsible Official issue a Determination of Significance (DS) (if detailed MDNS option is not selected). The SEPA Guidelines call for a decision to be based on the "context of the application, neighbors, and site conditions, not a regional context". This is the largest plat since The Lakes on Mercer Island, and contains a number of critical areas, (i.e. steep slopes, geological hazard areas, watercourses, wetlands, and significant trees) downstream drainage issues, neighborhood traffic, etc.

A detailed MDNS with further technical studies appears to be appropriate based upon the information provided to the City of Mercer Island to date. Further, the project design and technical standards appear to be incomplete, and the technical standards potentially inadequate in a number of areas cited below. **Absent that detail, and appropriate mitigation in an MDNS, the Responsible Official should issue a Determination of Significance.**

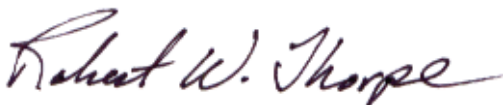
1. Critical Areas: The west boundary bluff east, above 81st Avenue SE, with a 40%+ slope designated geological and erosion hazard areas under the Critical Areas Ordinance. (Note: I am familiar with this area, having lived in the Islander apartment building on 81st Avenue SE for 5 years, and hiking the hillside to Upper Burbank Park with my son.)
Mitigation: No provision for any type of trail in this area, from 81st Avenue SE. Homes should be set back a minimum of 25 feet from the top slope of the critical area, with all vegetation preserved – particularly significant trees, groupings. This vegetation intercepts storm and rain water that might otherwise infiltrate and de-stabilize the soil and major trees in a slide prone area.
2. Significant trees; number of trees: The proposal to remove approximately 70% of the significant trees on this does not meet the letter nor spirit of the Mercer Island Tree Preservation Ordinance (Note: RWT was the original author of the provisions of this ordinance.)
3. South boundary along SE 32nd: Keep buffer area 25 to 30 feet. Note: We recommend removing the dangerous cottonwood trees along the south watercourse and wetland areas.

4. Critical Areas - Watercourse: From my review of the historical aerial photographs, a site visit to the current watercourse, a review of other Island critical areas regulations, and as author of the regional watercourse ordinance, **I firmly believe that this currently is and has historically been a watercourse under the Code definition.** It should be continued to be designated as a watercourse, not “un-designated” by the Applicants without a hearing and true expert analysis as part of a public record on this key site issue.
5. Wetlands: The soils in the watercourse area, and the perimeter, show significant wetland facultative plant materials, and the soil samples show hydric soils, indicating a long history of water and wetland materials in this area a site visit confirmed this finding.
6. Drainage: The drainage reports discuss on-site detention vaults, but do not provide details required by downstream analysis of the plat. The drainage from this area goes into the drainage basin flowing north to Luther Burbank Park, under I-90, and exiting near the primary swimming beach at the Park. Classes for toddlers to seniors are held at this beach, and further, this represents one of the best spiny ray and salmonid fishing areas on Lake Washington.
7. Coval house: A historic Island structure with koi pond, heritage trees/orchard, landscaping and natural amenities.
8. Traffic: Stipulation of access. The neighbors have provided a request that all access be off of the plat’s internal road, i.e. no driveways to 84th. The proposed lot buyout further compounds the construction elements of noise, dust, vibration impacts over a long-term period. The time period of impacts of home construction off of 84th will be extended by house construction, not access off of the interior road.
9. Grading: Our review of the SEPA Checklist import/export volumes does not seem to be accurate considering the volume soils and grading on the site. I.e., a much higher export of native soils and import of pit run for all trucks for utility lines, road base, building pads, as well as topsoil, landscape materials, etc.
10. Hours of Operation: Noise, light, glare, dust, runoff and secondary impacts require more detailed mitigation measures.
11. Comprehensive Plan: The project may be in conflict with several goals and policies, i.e. “single family residential infill should be compatible with surrounding neighborhood uses” (i.e. 2.5 – 3.0 DU/Ac, Steep Slopes, and Park

We respectfully request that the Mercer Island Staff (1) re-visit a number of issues before the public hearing, (2) provide a separate hearing on the watercourse’s designation change, and (3) that the SEPA Responsible Official respond to the 32nd Street Neighbors, their technical consultants, and their legal counsel by issuing a Determination of Significance if an MDNS with extensive, detailed mitigation measures to those issues raised above is not selected.

Thank you for including our comments in the record for SEPA Determination and the Preliminary Plat Hearing. We reserve the right as planners/landscape architects, licensed to do grading plans analysis, and as economists to advise further input, as well as testimony at the Planning Commission Hearing in mid-January, and subsequent City Council Hearings.

Respectfully submitted,
R. W. Thorpe & Associates, Inc.



Robert W. Thorpe, AICP
President

CC: Dale Kingman
Sue Stewart

Qualifications of Robert W. Thorpe, AICP

Principal/President

EDUCATION

University of Washington: **Dual Masters Program Thesis: Acquiring / Preserving Open Space in Washington State**; M-Urban Planning/Design (Urban Planning Curriculum) M-Urban Development (MBA Curriculum), 1973.

University of Nebraska: BS Business Administration and Economics, Minors: Architecture and Art, 1966.

Bellevue Community College: 1974 to 1976 - Real Estate Certificate.

MAI Course Work: Seattle University, MAI Course 1A, '77; MAI Course 1B, '78; Bellingham, WA - Feasibility I: '77, II: '78; Bellevue - Course 7 - Standards of Practice, '84, 520- Highest & Best Use, U. of Phoenix, Tukwila '04.

EXPERIENCE

Principal, R.W. Thorpe & Associates, Inc., Seattle/Anchorage/Denver/Winthrop, ('74-'75 Part Time), 1976 to present. Project management / supervision to all team projects. Over 5,000 total assignments, 1,000 Rezones, Comprehensive Plan Changes, CUPs and Shorelines Permits, etc.; 400 EIS's / Environmental Reports; 700+ Highest and Best Use/Feasibility Analyses. Expert Witness – Highest and Best Use, Takings, SEPA, and Urban Planning

Instructor / Lecturer, Bellevue Community College, 1976-2009, 2011; Graduate Program and Certificate in Real Estate, Univ. of Washington - Real Estate and Urban Planning, 1973 to present; Washington State University - Regional Planning and Landscape Architecture, 1981 to present; University of Nebraska - 1984 to present; University of Alaska, Juneau - 1986; University of Colorado, Denver - 1988 to present; Arizona State, Tempe - 1996. Master Builders/ NAHB Instructor – 1992 to Present. Chair, Land Planning and Development, MBAU - King County King/Snohomish County Master Builders Association.

Assistant Director, Community Development / Building Department, City of Mercer Island, 1971 to 1976. Staff to Planning Commission and City Council; new Comprehensive Plan, environmental factors study, land use planning, zoning, ordinance writing, transit study; Mercer Island Drainage Study Team, design guidelines; Administered Subdivision and Shorelines Management Regulations; I-90 Design Team and City's EIS Coordinator; Lake Washington Shorelines Management Master Program Staff. Mercer Island Responsible Official – SEPA '71-'76.

Regional Planner, Daniel, Mann, Johnson & Mendenhall, Seattle, WA, 1970 to 1971. Auburn-Bothell Corridor Study; Juneau Transit Study; Alaska Land Use Study – Phase I.

Design Planner, Harstad Associates, Inc., Seattle, WA, 1969 to 1970. Comprehensive Plans for North Bend, Kitsap County, Mercer Island, WA. Ski Resort - Smith Ferry, Idaho; Master Planning for a 13,000 Acre Nettleton Lakes PUD in Kitsap County; and a 12,000 Acre Master Plan - El Rincon, Baja, Mexico. Various Land Use / Feasibility studies/Urban Design/ Landscape Design.

Site Planner / Industrial Engineer, Boeing Company, Seattle, WA, 1966 to 1969. Industrial Siting Studies; Facilities Planning and Implementation. New facilities at Auburn and Everett.

PROFESSIONAL ASSOCIATIONS/EDUCATIONAL

AICP - American Institute of Certified Planners, 1978 to present (Charter Member)

American Institute of Appraisers (MAI, Candidate - Various years) – Associate/Instructor

American Planning Association – APA – Puget Sound Section – President 2006-7; Law Conference Chair 2007-9
Washington State Chapter – Legislative Committee 2000 to present

AIA - R/UDAT Team Member - Farmington, New Mexico - 1989

Bellevue Community College Faculty 1977 to present – Senior Faculty – Real Estate/ Land Planning/Appraisal

Boys & Girls Club – Mercer Island – Board of Directors – 2007-2013; Chair, Tween Program

Building Industry Legal Trust Fund - Advisory Committee, 1992 to present – 2005/2006 Chair

Emmanuel Episcopal Church – Development Committee – Co-Chair – Permitting/Landscape Architecture

Habitat for Humanity of East King County – Past Board Member (2003-2006 – Three year term.)

International Conference of Shopping Centers Associate, Chair of Downtown Retail Committee Council (2001-4)

King County Executive - **DDES Reorganization Committee – 1994 (Executive Gary Locke)**

Kappa Sigma International Fraternity – Past Alumni Development Commissioner / District Advisor

Master Builders Assn. Director – King/Snohomish Counties – MBA University; Chair, Land Development Education

Mercer Island Development Advisory Committee - 1991 to 2002

Mercer Island Open Space Conservancy Trust Board – 1999 – present; Vice-Chair

National Association of Homebuilders – NAHB Instructor, Land Development Classes 1990 - present

Neighborhood Retailers of Washington – 1990's

Univ. of Washington Certificate in Real Estate Instructor - Planning Masters Program, Guest Lecturer 2008 - present

Urban Land Institute (ULI)

Who's Who Among Outstanding American Executives and Professionals

Qualifications of Robert W. Thorpe, AICP, Principal/President

SPECIAL EXPERIENCE/EXPERTISE

- Witness: Qualified Expert Witness in Washington, Oregon, Wyoming, Alaska and Federal courts, and Judicial Mediation Boards. Quasi-judicial proceedings before Planning Commissions, Councils and Hearing Examiners. Land use, “takings” condemnation, economic feasibility, SEPA/NEPA, shorelines, SAO’s, development costs, etc.
- Instructor / Senior Faculty Member: Bellevue Community College. Urban Planning, Land Development and Real Estate Appraisal and Real Estate Finance 1976 to present.
- Instructor: University of Washington – Graduate Program/Certificate in Real Estate
- Instructor: Real Estate Classes - Washington Association of Commercial Realtors, Building Industry of Washington, National Association of Homebuilders, and Chair – Land Planning/Urban Development/Finance, Master Builders of King and Snohomish Counties (MBAU).
- Graduate Classes: Regional Planning / Environmental Services / Landscape Architecture, Washington State University, various years starting in 1981.
- Guest Lecturer / Graduate / Undergraduate Urban Planning Class, University of Washington, Extension Division – 1995 to present, University of Nebraska, 1985 to present, and University of Alaska, Juneau, 1985 to 1986, Guest Lecturer. Western Washington University and Arizona State University, Guest Lecturer. Regional Planning / Landscape Architecture - Washington State University, 1981 to present, Program Advisory Committee. Senior Critiques and Guest Lecturer, Senior Faculty / Real Estate Advisory Committee.
- Advisory Committee/ Staff: Washington State DOE - SEPA Guidelines, 1972-1973.
- Shorelines Management / Lake Washington Model Program - Washington State DOE , 1972-1973

Speaker / Publications:

- Site Selection, Zoning, Highest and Best Use Most Probable Use, Development Costs – 30+ years
- Land Planning and Land Economics, miscellaneous real estate appraisal/professional societies, 30+ years
- League of Oregon Cities - Design Commissions / Tree Ordinances / SAO’s 1074 & 1976
- Open Space Conference - Boulder, Colorado - July 1988
- Retail Site Selection / Zoning - NACOR, 1993 to present
- King County Assessor - Highest and Best Use Classes - 1996, 1997, 1999
- ICSC - Washington / Oregon Conference - Port Ludlow – 1999, Semiahmoo 2003
- Law Seminars International, Seattle – Eminent Domain “Property Owners Perspective” 7/2001
- Law Seminars International, Seattle – Valuation – Temporary Takings “Proving What Has Been Lost” 11/01
- Law Seminars International, Seattle – Government Takings – “Partial Takings” 12/2003
- Appraisal Institute – Miscellaneous – 1985 to present, MAI classes – 2004
- Planning Law Conferences – Regulatory Takings – APA Washington – Bellevue April ’07, ’09, ’11, ’13.
- Law Seminars International, Seattle – Government Takings Panel Practice Session (Kinnon Williams, Atty.), 11/2007.

Publications:

- Preserving Open Space Under Washington Statutes – MUP/MUD Thesis June 1973
- Highest and Best Uses, Steps 1 & 2 – Land Planning and Development Text – Bellevue College and various Universities.
- The Zoning Game Revisited – Draft Text/Book (work in progress).

PROJECTS AND STUDIES (Prior to R.W. Thorpe & Associates, Inc.) P-Project Manager, A-Author, R-Review

City of Mercer Island – Assistant Director/SEPA Official

P	Zoning / Subdivision – Update	R	City Budgets – Co-authored/Reviewed, 5 years
P	Responsible Official - SEPA Ordinance	P	Capital Improvement Programs, 5 years
P	Administrator - Shorelines Management	A	An Approach to Environmental Zoning
A	I-90 EIS - Mercer Island, Technical Review	A	Cost Benefit Analysis – Rezones
R	Design Guidelines-Design Commission	A/P	Comprehensive Plan Elements
P	Island Attitude Survey (Open Space)		

Harstad Associates, Inc., Seattle - Urban Designer/Planner

- Nettleton Lakes Project - Kitsap County (Hood Canal), WA - Master Plan / PUD for 13,000 acre / residential recreational development - 1,000-slip marina, Robert Trent Jones, Sr. 36-hole golf course
- Smith Ferry, ID - Master Plan: Waterfront Residential / Ski Area / Marina
- El Rincon, Baja, Mexico - 12,000 Acre Recreational Master Plan
- Comprehensive Plans - North Bend, Mercer Island, Wapato, Kitsap County, WA; Cutbank, Deer Lodge, MT

Daniel, Mann, Johnson & Mendenhall, Seattle – Regional / Environmental Planner

- Phase II - Auburn / Bothell Corridor Study - State Highway Feasibility Study (I-605) Land use, environmental/ economic/demographic/ communities and citizen group coordination.
- Support services: Juneau Transit Study and Alaska State Land Use Study.

Land Use / SEPA / NEPA/ Shorelines

- **Somerset Condo** - EIS Appeal (Washington Supreme Court) - 1978
- **Truly Property** - Bothell - 1979+
- **Concerned v. Kitsap** - 1980/1981 (Silverdale Mall EIS) King County Superior Court (Utilized Barrie I and II - Kitsap County Cases)
- **Earlington Park** Rezone, Renton - 1979
- **Spanaway K-Mart** - SEPA Appeal - 1982
- **Cammack Orchards I & II** - Douglas County SEPA - Court of Appeals
- **Rainier Terrace** - King County (Newcastle) FEIS - SEPA Appeal (Murray Franklin) - 1983
- **City of Des Moines** - Adult Theater Ordinance - 1984
- **Pigeon Point** - City of Seattle - FEIS Appeal - 1984
- **Sammamish Park Place** - King Co. (Vyzis) - 1984
- **John Henry Mine** DEIS/FEIS Appeals - City of Black Diamond - 1984
- **Walla Walla Regional Shopping Center** Rezone & EIS Appeals - 1985
- **Rainier Terrace** Pierce Co. MPD - 1985
- **Safeway** - W-557 - East Bellevue - FEIS 1985 SEPA Appeals
- **Sumas Mountain** ORV Trail Plan EIS 1985 - Resident Appeals
- **Alderra/Boeing Property** - Fall City - EIS 1986
- **Monterey Terrace** - Renton - Rezone and EIS Appeal - 1986
- **Kent East Hill Plaza** (Target) - Rezone and EIS Appeals - 1986
- **Boeing Corporation Headquarters** EIS - Renton - SEPA Appeals -1987
- **City of Brier** - Comprehensive Plan & EIS Appeal (1987)
- **Early Winters** SEPA Appeals - Okanogan County Ordinances Updates and EIS's - State and Federal Courts -1987+
- **Rivera & Green** Gravel Pit EIS - Jones Road - King County Appeal - 1988
- **Park Place** EIS - Appeal - Seattle - 1988
- **Yakima Sun Dome** FEIS Appeals 1988
- **Lee Plaza** - EIS Appeals -Seattle - 1989
- **Thrashers Corner** Rezone / EIS - Appeals - Snohomish County - Griffin Co. - 1989
- **Okanogan Co.** Land Use Regulation/ Wildlife Plan EIS - 1990
- **Fryelands** - Monroe EIS - Appeal - 1991
- **Yamamoto** - Fife - Rezone - 1991
- **410 Quarry** - FEIS - King County - 1991
- **South Seattle Community College** FEIS - 1992
- **Wal-Mart** - Oak Harbor - Rezone Annexation/ SEPA Appeals-DOWL-1992
- **Olson's Grocery** - Northgate- Design/ SEPA/Wetland Mitigation/ Appeal - 1993
- **Oosterwylc Gardens** - SEPA Appeal - King County- 1993
- **Pioneer Human Services** - MUP Appeal - City of Seattle - 1993
- **Hon's Entertainment** v. King County - 1993
- **Abraham Pentecostal Church** - Renton - CUP & SEPA Appeals - 1994
- **Meeker Square** - Kent - H&BU - Land Use Appeals - Martin Smith - 1995
- **Torrance, J. - Mariner Stadium** - Feasibility, North Lot - SEPA Hearings - 1996
- **Trammel Crow** - Redmond - EIS Addendum and Appeals - 1997

- Anderson, Bruce v. **City of Kent** - Design Guidelines – 1997
- **Arabella's Landing** - Gig Harbor - 1997
- **Palmer Groth & Pietka** - Highest & Best Use Washington DNR Holdings - 1998

R. W. Thorpe & Associates, Inc.
Seattle ~ Anchorage ~ Denver ~ Winthrop

Representative Expert Witness Experience

Land Use / SEPA / NEPA / Shorelines

(Continued)

- **Lindstrom** - King Co. - Park Mitigation 1998 - Mediation
- **Cadman** EIS Appeals – Snohomish Co. 1999 – Hearing Examiner/Mediation
- **NW Yeshiva High School** – Mercer Island – CUP & SEPA Appeals – 1999
- **Fox, Virgil** - Birchfield - Lewis County Master Plan & FEIS Appeals – 1996-2000
- **Association of Washington Business v. WS DOE** -Shorelines Regulations Appeals - 2000
- **City of Spokane** Adult Theater Ordinance - 2001
- **Sammamish Trail Mitigation** - CSALT – 2001 SEPA Appeals
- **Cedar Park Assembly of God** - SEPA Appeal - 2001
- **EarthJustice/ Greater Yellowstone Coalition-Jackson** Teton Co., Wy. – Fed. Court, Casper, Wy. 2002
- **Dollar v. Starbucks/City of Mercer Island, et.al.** Marco de sa e Silva, Davis WrightTremaine – King Co. Superior Court – Decision for Starbucks - 2003
- **StockPot v. King Co.** (Brightwater) SEPA Appeal/Mediation Chuck Maduell - 2004
- **KRKO Towers EIS – SEPA Appeals** – Snohomish County 2005
- **Kitsap Master Builders v. City of Bainbridge Island**, Div. F Appellate Court - 2005
- **Westmark Development Co. v. City of Burien** -Washington State Superior Court – 2005, Div. I – 2007.
- **Central Pre-Mix** FEIS - SEPA Appeal – City of Pasco - 2006
- **BNY Mellon** – Tukwila Shorelines Analysis 2008
- **Westmark** EIS Appeals – Burien 2008
- **Holmquist** – Due Process (Fed. Ct.) P. Vail, 2009
- **Eastlink** Light Rail EIS – Bellevue Business Owners, 2009
- **Kitsap Home Builders v. City of Bainbridge Island**, 2009
- **Rabanco** – City of Ferndale LID Assessment Appeal (Al Wallace), 2009
- **Tuscan Village** – Staff Report to Hearing Examiner, 2009
- **Desimone Trusts** – Tukwila Shorelines Hearings 2009
- **Cohen Family** – Stack Hill – Ruston, WA Permitting/Damages, 2009
- **Pope Resources**, Skamania County – Downzone Appeal, 2010
- **Gabelein v. Gabelein**, Whidbey Island, Island County Court – Mediation Panel, 2010
- **Davidson, K.** – ParkPlace SEPA/MUP Appeals, Kirkland, 2010
- **Ruth/Prouty** – Conservation Trusts/IRS Appeals, 2010
- **Vel Dwyk v. Safeway** – Damages (R. Aramburu) 2010
- Olympic Resource Management, Kitsap Co. SMA (2012)
- Jan Van Halder SFR Bulkhead, JARPA (2012)

- *Three Fingers* – Lake Chelan (S.Mackie, Aty) (2012)

EXHIBIT 61

Shana Crick
Development Services Group
City of Mercer Island
9611 S.E. 36th Street
Mercer Island, WA 98040

Re: Planned development of Coval Property.

Dear Ms. Crick,

My family moved to 8225 SE 30th PL in July. Our property abuts directly against the Coval property. I have walked around this beautiful property, which contains a creek, gardens and beautiful orchards. I am very concerned that the planned development by the city will cause environmental destruction with unanticipated consequences.

Multiple people use 84th SE as a thoroughfare, but this street is poorly constructed to handle the current usage, much less that of 18 more properties. There is no side walk, bike lanes, etc., making it dangerous for my children to walk or bike to town

There will be a huge amount of heavy machinery needed for the Coval development to accommodate the construction of 18 homes.

In addition to the massive amount of heavy equipment and machinery traversing our neighborhood, the amount of noise from the development of the 18 units, which will doubtless last over a year, will be a major inconvenience for those of us who live adjacent to the property. Our quiet neighborhood will be under constant barrage from loud diggers and levelers for months on end, making it difficult for those of us who work from home to concentrate. We want to ensure that there is a curfew of 5PM on weekdays and no construction on weekends so we will not be subject to the loud construction activities during off hours.

Since 84th SE currently has little in the way of roadside parking, the construction of these homes will stress the available parking and events in the neighborhood will likely result in spill over of cars into the street.

The Coval property has a watercourse and the City needs to protect the watercourse by requiring setbacks for new house construction.

The site has beautiful large trees that provide shade and stability for the soil on the property. The city should be cognizant of the impact of removing these trees on the local environment and water runoff.

Several of the proposed lots are on the steep slope at the western side of the property. The construction of homes on this slope may be deleterious to the stability of the slope and we recommend that these lots not be built on.

Thank you for your attention in this matter.

Sincerely,

Charles S. Cobbs, MD

EXHIBIT 62

December 8th, 2013

City of Mercer Island

9611 36th Street

Mercer Island, WA. 98040-3732



To: Mercer Island Planning Commission and City Council

From: Beverly Bridge, a resident of Mercer Island

Re: SUB13-009 and SEP13-031 (Proposed Eighteen Lot Long Plat off of 84th Street)

Location of Property: 3051 84th Avenue SE, Mercer Island, WA 98040

I am a resident who lives off of 84th Street on the corner of 34th and 84th, perhaps a third of a mile up the street from this proposed development. I am concerned that our narrow road and traffic be adequately addressed. 84th Street is a narrow two lane street. We have no sidewalk until the road curves around to become 28th street. I believe that that section of sidewalk was installed by a previous developer. There is a tiny shoulder on the Upper Luther Burbank side of 84th that is not very walkable. The other side of 84th is lined by a gully, so that side is not walkable. As a consequence, most people walk on the street. There are many people who daily walk their dogs, as well as people out for walks. 84th is bordered by Upper Luther Burbank park, and certainly people briefly go into the trail, but they also walk the street. There are many times when I have to go almost onto the opposite side of the street to avoid our many walkers. The street is also fairly busy at certain times of the day when students from Mercer Island appear to use this street instead of Island Crest Way to get quickly downtown. We also have the traffic from the Presbyterian Church street up the road.

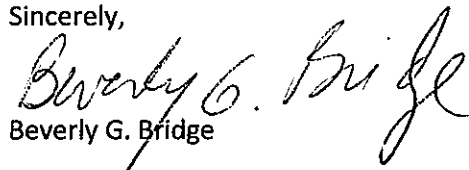
I would like to know that our road situation is seriously studied and that adequate upgrades are made by the developer to manage the increased traffic that this development will add to the street. It is not only the additional theoretical 36 cars (two adults per home) that will now go up and down this narrow road, but also the many service providers that will travel to service their homes, as well as the guests that will now visit them, that is of concern to me. This is the only access road for our neighborhood. It will be a significant increase for the road, which quickly curves downhill in an S shape as it turns down into 28th Street. I do hope that you will look closely at the shape and narrowness of the road. I would like to know that the road will be expanded to handle this traffic, or that a sidewalk be built on the Upper Luther Burbank side for the safety of all of us in this small area.

Additionally, I would like to know that we have adequate night lighting. There are almost no street lights on 84th or 28th. During the winter hours, it is sometimes hard to see the people on the road. I am reminded of the incident several years ago when an elderly female walker was killed by a young man on North Mercer Way. We have a very similar road situation.

Finally, I would like to know how the traffic will be handled during the building of these homes. As I stated above, our road is only two lanes, and we can only travel up onto Island Crest Way, or go down 84th to get to downtown or to the freeway. I am very concerned about the possible long delays we may incur if the builder is not sensitive to our situation. I do not want to spend the next two years plus waiting to get to work while our road is blocked, or with long backups.

I would appreciate being informed as this process continues about how these issues are going to be addressed. I would like our community to have input into this process.

Sincerely,

A handwritten signature in cursive script that reads "Beverly G. Bridge". The signature is written in black ink and is positioned to the right of the printed name.

Beverly G. Bridge

8400 SE 34th Place

Mercer Island, WA. 98040

EXHIBIT 63

December 10, 2013

Ms. Shana Crick
Development Services Group
City of Mercer Island
9611 SE 36th Street
Mercer Island, WA 98040

Re: SUB13-009 Coval Subdivision, CAO 13-002

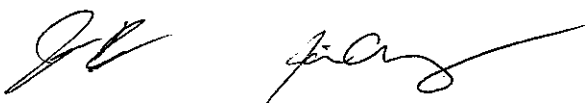
To Development Services Group,

We are writing to register our concern about numerous elements of the proposed 18 lot subdivision of 3051 84th Avenue SE. Allowing a subdivision of 18 homes on this acreage where the Mercer Island city map shows steep slopes, a slide area and a watercourse conflicts with Municipal Code section 19.08.030 (C) Control of Hazards. The watercourse is observed flowing from south of the proposed development and ultimately pours into Luther Burbank Park's south wetland near the swim beach. Besides those attributes listed above we worry about drainage problems, traffic access and public safety particularly during the construction stage.

Further this project is not compatible with the surrounding neighborhood as required by the Mercer Island City Code, Section 19.08.030 (A) and Comprehensive Plan, Land Use Element, 8.5 which "encourages infill development on vacant or under-utilized sites that are outside of critical areas and ensure that the infill is compatible with the surrounding neighborhoods".

Please put our names down as a persons of record and notify us of upcoming public hearings.

Signed,



Printed Names: Justin Deng, Jaime Chang

Address: 3219 84th Ave SE, Mercer Island, WA 98040

E-Mail: jayisee@gmail.com

EXHIBIT 64

December 11, 2013

Shana Crick, Senior Planner
Mercer Island Development Services
9611 36th Street
Mercer Island, WA 98040

Subject: Coval development SUB13-009, SEPA 13-031, CAO 13-002

Dear Planning Staff, Planning Commission and City Council members,

We are filing this letter for the public record after having worked to consider all sides of the Coval Long plat development financed by the Rycon Group of White Rock, British Columbia. We have had several meetings with local spokesperson, Wes Giesbrecht. Our first meeting was at the request of the owners of the property, Myer and Barbara Coval. Myer said the city was giving the developer trouble and could we talk with Wes? As friends of the Covals for more than 30 years we agreed. On the phone Wes said he planned to build empty-nester homes with large garden areas. Myer understood from Wes that the house, pool and koi pond would be preserved.

At the first meeting, April 10th 2013 Wes instead asked if the developers could use our private lane as access to the back 14 homes of the development. Nineteen homes were being contemplated with absolutely no visible consideration of the house, pool or koi pond preservation. April, 11th the Covals got a copy of the 19 home plat design from us. This was their first realization of the actual scope of the project. Our 5 family neighborhood unanimously refused use of our private lane before, during or after construction. Wes Giesbrecht has acknowledged this.

We ask consideration of this spectacular arboretum and home that the wealthy Coval family put their resources into as stewards of the land for more than 30 years. We are also very sensitive to the city map which shows the property to have steep slopes, a slide areas and a watercourse. Reading the June 18th Critical Areas Determination and attached watershed company reports the ultimate take away is that this decision was rushed and that no hard and fast rules applied. It does state that 18% of the watercourse qualified as Category II . Since water

wasn't running on the June day Nell Lund and others were on site it reads as though Lund capitulated.

Aside: We have lived on the island for 40 years and when the last large single family home plat was built, The Lakes, there were repercussions. Susan and Dr. David Tapper had their home's basement flooded many times. The Tappers lived downhill west of The Lakes. We share this as an example that the best human engineering can't predict Mother Nature. Further, when the infrastructure fails, the developer is long gone.

Our home at 3205 84th Avenue SE sits closest to the storm drain that flows into the Coval property. When it backs up we're the first to notice. We worked with the Covals to clear out a cottonwood root a year ago that was blocking the flow. Runoff comes not only from our 5 homes and lane but also from a 3 and a half acre horse pasture just south of us. The mature trees and plantings in the ravine/watercourse absorb much of the water within the flow zone. So far the current pipe outlet to the north of the Coval's property has accepted and then released water into private property open spillways. Dave Chappelle's development farthest north channels the flow through a noted Category II watercourse-from the June 18th report. It flows into pipes along 28th that ultimately pour into Lake Washington at the south wetlands in Luther Burbank Park, just along the swim beach of our city's beloved waterfront Park. Dave Chappell was a builder and member of the Planning Commission for many years. The integrity of his construction project helps underscore our position that water upland from this watercourse should also be logically considered part and parcel to the same watercourse as shown on City maps.

We fear storm water backups, downstream flooding and Lake Washington contamination will be the result of a less than perfect development plan. The steep slope construction and slide area on the Coval property makes us nervous. Whidbey Island, Edmonds and other northwest communities have been having slide problems and homes condemned. There have been dramatic slides near Forest Lane here on the Island in the not so distant past and the Scar at the south end years ago. We are not immune. The King County Housing Authority just to the west of the construction site and at the base of the Coval property's steep slope is a valued neighbor and unique opportunity for affordable housing in our city. Will they be safe from slides?

The second meeting with Wes was July 3rd. Wes announced the city determined there was no critical area on the property and he gave us a copy of their survey

which we have. Interestingly the one revision listed by the initials EM by the **Axis Survey and Mapping** lists revision of the wetland flag delineation and soil pit locations. The survey notation is dated 5-3-13 about a month and a half prior to the on-site review in the dry month of June when the onsite decision was made of no watercourse or wetland.

Our most recent private meeting with Wes Giesbrecht and Fred Glick was last Thursday, December 5th with the bordering neighbors with the most concerns. At this meeting the realization of impacts was more clear. Wes asked about preserving the huge cottonwood trees where our water flows onto the Coval property. He said the city and particularly Kathy Parker, city arborist, was pressuring him to save the cottonwoods. Since each cottonwood can drink 200 gallons of water a day the request reinforces our concern that 6 huge trees constitute 1200 gallons of water uptake a day. This request came after all paperwork noted the trees would be taken out. We have been told the cottonwood trees are aging and dangerous. Our home sits 30 feet away from these huge trees and windstorms have knocked down limbs in the past.

In a conversation with Kathy Parker today she told me the city does not protect weed trees such as cottonwoods. So who at the city is pressuring the developer to save them? It was the consensus of the seven families at our private meeting December 5th with Wes Giesbrecht that the dangerous cottonwood weed trees should be removed; we hope the City agrees with this position. When the present canopy around these trees is removed as plans clearly show the cottonwoods will be even more vulnerable during storms.

On December 2nd the City Council had the third reading and planned adoption of the Shoreline Master Plan which values buffers along watercourses as natural cleansing actions prior to draining into Lake Washington. We ask that this protection take place here. Within the city bill **AB 1901 on Page 50** the map still shows that there is a watercourse across the Coval property and leading down into Lake Washington.

<http://pubdocs.mercergov.org/meetings/mtgviewer.aspx?meetid=109&doctype=A>
[GENDA](#) Page 50 map

Please review the Coval home website to review the properties amenities:

<http://www.covalhouse.com/>

And please watch this video seen on Million Dollar Rooms:

<http://www.youtube.com/watch?v=IH0scbtpgS8>

The city's **comprehensive plan** says that infill should fit with the surrounding neighborhood. The development, as planned will have 7 cheek to jowl mega homes lined up along our private street with 4 homes along the southern border. This is also out of character with the larger neighborhood.

It would be our ultimate desire to have an Environmental Impact Statement take place. A full review of all environmental impacts including better traffic studies, safe roads to school for children, etc. We are not comfortable that piecemeal mitigation measures would be adequate without an EIS.

Wes Giesbrecht on December 5th notified us that his company gives money to many public projects. We would ask that money be dedicated to making 84th Avenue safer all the way up to 39th Street and Clise Park. We feel that should be accomplished before any element of the development process begins.

Rich Conrad will not be City Manager when this project is voted upon by the Planning Commission or City Council. We are losing a huge part of island history as he walks out the door. He has told Sue in the recent past that the **City Council** holds the power to determine the future of this island. The **Planning Commission** gets the first crack at the future through their critical review process. Planning Commission review is very important. This development, as planned, has the potential of creating negative impacts well beyond our large lot and quiet neighborhood...it can create environmental damage to Luther Burbank Park and Lake Washington.

Sincerely,

T.J. and Sue Stewart
3205 84th Avenue SE
Mercer Island, WA 98040

.

EXHIBIT 65

**GORDON TILDEN
THOMAS & CORDELL LLP**
A TRIAL PRACTICE FIRM

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M 206.420.9140

D 206.805.6605

December 11, 2013

Via Email Only: shana.crick@mercergov.org

Shana Crick, Senior Planner
City of Mercer Island Development Services Group
9611 S.E. 36th Street
Mercer Island, WA 98040

**Re: Comments for Record – Coval Plat Proposal
SUB 13-009 and SEPA 13-031**

Dear Ms. Crick:

I am a property owner adjacent to the Coval property with an interest in the Coval plat proposal and the planned development of the Coval property.

When I first learned of this project from a conversation with Sue Stewart in June of this year, who had earlier met briefly with the local representation of Rycon, Wes Geisbrecht, my principal interest was for the City of Mercer and Rycon to comply with and obey the ordinances and regulations enacted by the City. Thus far, I have not been impressed with either Rycon or the City's adherence to the City's own ordinances.

For example, Rycon, using the Covals as applicant, properly filed for a Critical Area Determination under CAO13-002. Indeed, the filed application on April 2, 2013, explicitly required "Public Notice and Review Process." There was never any notice nor was there a review process except within the bowels of City Hall. Amazingly, you, as the planner, determined, after one tendentious letter from a Rycon representative, there was neither a water course nor a wetland on the Coval property. This, in the face of the City of Mercer Island's own maps showing a water course.

Ignoring the City's water course map, however, is the least of the problem. The fact you elected to ignore your own City ordinances and not provide for either public notice or a review process, is illustrative of the cavalier attitude with which the City has undertaken review of this proposed plat. Having lived on Mercer Island for over 30 years, I often wonder if there is something in the City Hall

water that causes temporary amnesia when faced with ordinances and regulations City agents do not wish to follow. So this is what it looks like. The applicant, recognizing a water course and wetland exists on the Coval property, files an application for CAD. As you pointed out to Richard Aramburu in an email of November 8, 2013, the "file was never deemed complete. Therefore, a Notice of Application was not issued." Nor, was a Notice of Decision issued since the file was incomplete. Nonetheless, on June 18, 2013, you, on behalf of the City, determined there was neither a water course nor a potential wetland on site, and therefore allowed application CAO13-002 to be withdrawn! So the applicant files an application, which was incomplete. The City recognizes it's incomplete. And because of its incompleteness, issues no Notice of Application, determines there is no wetland or water course, closes the file, and allows the applicant to withdraw the application! One's head would have to be in a swivel to understand the City's process in this case.

There are, of course, other issues. The SEPA application, for example, is incomplete as outlined in my neighbor's and others' statements. The claim by Rycon's representative, Mr. Gesbreck, that these 3,500 to 5,000 square foot homes will be marketed to "empty nesters," is laughable if it wasn't so disingenuous. Having provided the assumption, however, Rycon has been allowed to base traffic studies on a singularly reduced and clearly inaccurate predicate. Given the number of yards of earth that will be removed and replaced, the number of truckloads up and down 84th is likewise inaccurate.

Recently, I, along with some of my neighbors met with Mr. Geisbrecht. The discussion, such as it was, revealed that there was only the barest of connection between reality and that which was uttered by Mr. Geisbrecht. He reported someone from the City, a Ms. Parker by name, was pressuring Rycon to keep the Cottonwoods. No such conversation apparently took place. Mr. Geisbrecht claimed there would be no increase in water flow from the property above that which currently exists. Since much of the property will be comprised of impermeable surfaces, such a statement is incredulous. If the plan is for the water to end up in the 84th Street ditch, what is the plan so as not to harm downhill neighbors? There is no plan.

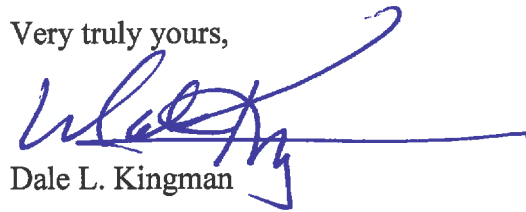
The neighbors asked Mr. Geisbrecht about the hours of operation during construction. Mr. Geisbrecht indicated 7 a.m. to 10 p.m. Obviously, that is ridiculous, or at least, to anyone not associated with either Rycon or the City, that is ridiculous. Of course, no answer was given as to what hours Rycon would actually operate during construction.

In a summer meeting with Mr. Gesbreck, he indicated in response to my inquiry, that the houses on the westerly portion of the property would be set back considerably from the bluff so as not to present any potential risk of destabilizing the very steep western slope. As with most everything Mr. Gesbreck has said at one time or another, this was another prevarication. At our most recent get-together, he indicated the houses would be built on the bluff with decks cantilevered over the slope. There would be no retaining wall such as the City required my neighbor, Dr. Ferse, to put in some years ago at an exorbitant cost; no, the City appears to go along with the plat and allow homes built on the bluff.

Shana Crick, Senior Planner
December 11, 2013
Page 3

I could go on, but my neighbors and others have expressed their concerns and addressed additional areas. My only request, Ms. Crick, is you do your job. Your job is to follow the ordinances and regulations of the City of Mercer Island and require of developers that they comply with the laws of the City.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Dale L. Kingman', with a long horizontal line extending to the right.

Dale L. Kingman

DLK:cls

EXHIBIT 66

December 10, 2013

Shana Crick
Development Services Group
City of Mercer Island
Mercer Island, WA 98040

Email: shana.crick@mercergov.org

Re: Coval Plat Proposal (SUB 13-009 and SEPA 13-031)

I would like to take this opportunity to provide additional comments on the above referenced proposal to develop the 5.1 acre parcel, also known as the Coval property, which is immediately south of and adjacent to my residence at 8265 S.E. 30th Place.

I am troubled that the City has not required the applicant to prepare an Environmental Impact Statement to properly and thoroughly examine, quantify, and analyze the separate and cumulative impacts of the proposed development. Upon examination of the applicant's preparation of the SEPA checklist (first two submissions), it appears that they have glossed over and underestimated virtually all of the possible impacts of the construction project. Based on my discussions with a number of biologists, greater attention should be paid to the impacts of losing many of the trees (200+) and other plantings.

Furthermore the impact of stormwater run-off is not adequately addressed, and there is no evaluation of what levels of contaminants are currently coming off the site through the watercourse (exposed and piped) and how these will increase when at least 40 percent of the 5.1 acre parcel is impervious. Upon completion of the project we can expect that the concentration of contaminants from this property will increase, particularly for dissolved copper and zinc which have a deleterious effect on the health of recovering salmon species in Lake Washington.

It is my understanding that Rykon intends to establish an elaborate drainage system including a filtration system to eliminate contaminants. I believe that, per the manufacturer's warranty, the system(s) will require at least annual maintenance and possibly more frequently if we continue to have more major storms. Who will be responsible for this maintenance once the developers return to Canada? Will we, the taxpayers, be responsible for maintaining what many of us believe is an ill-conceived and unproven system?

I would think that the City, to avoid criticism from the citizens of Mercer Island, environmental organizations and regulatory agencies, would want to take a precautionary approach and address all possible environmental concerns to avoid potential litigation.

I have a number of other concerns but will not repeat those as I believe they have been addressed by other respondents and will be addressed during the public hearing on January 15th.

Finally, we Island residents see ourselves as "stewards" of the island environment, as stated in the Comprehensive Plan. We are not opposed to development however we expect that development decisions be made in the interest of all Mercer Island residents. This plan falls woefully short of what I perceive to be a sustainable Mercer Island development.

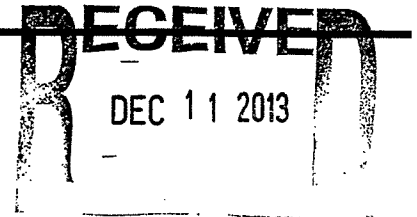
Sincerely,

Linda Chaves

EXHIBIT 67

Shana Crick

From: Richard, Deborah Ferse [drferse@gmail.com]
Sent: Wednesday, December 11, 2013 4:52 PM
To: Shana Crick
Subject: Comment on Coval project
Attachments: Letter to MI, Dec. 11.doc



Shana; I am pasting my letter here and also attaching it as a separate document to be sure that you can receive it before the deadline. This should arrive as a Word file, but it is composed on a Mac in "Pages" format so hopefully you can open it. Thank you.

City of Mercer Island

attn: Shana Crick

I would like to address a few of the items in the SEPA Checklist that are of concern to us as close neighbors to the Coval development.

B1 d unstable soils

In order to obtain a permit and build a retaining wall to replace an old railroad tie retaining wall at the west side of our property (which shares the steep slope of the Coval property to the north) we were required in 2004 to build a structure at the cost of well over \$100,000.00, that involved 40' steel posts extending more than 20' vertically into the slope then tied back with cables that extend horizontally into the hillside approx. 30'. This was done after extensive engineering consultation and with ongoing input from the Mercer Island City Engineer, which was the minimum required to stabilize the slope. The Coval Plat requires only that the building sites on top of the same slope be set back 15' from the edge of the slope, from which the topmost 10-12' will be removed. No stabilizing posts or any other structure appears to be required by the City in this case. Our building pad just to the south is approx. 30' from the slope and remained essentially undisturbed for many decades. Yet the City required us to build a major structure.

I would suggest that the City reconsider the stability of this slope.

A single consultant, hired by the applicant, has studied and testified to the safety of building homes on this same slope. The safety of neighbors, especially those in the King County owned apartments below to the west should be considered further. Does the City of Mercer Island want to assume the potential liability of an unstable slope without an independent examination of this risk? The engineer who designed our wall, and obtained approval from M.I. along the way, might not agree that building 4 homes so close to this hillside is a safe idea.

B1 e grading

There will be extensive grading and disturbance of the ground on and near the slope on the west side of Coval. This will affect the permeability, structure, and stability of the area above the steep slope, already designated an erosion and landslide hazard area on M.I. City maps, in ways that may not be entirely predictable and may not be mitigated by the minimum required modifications in construction practices approved in the plat application. The application mentions

40,000 cubic yards of soil grading, much of it from the steep slope area on the west. A single geotech engineer, with some apparent prompting, has promised that this will be a safe hillside when the project is completed.

B3 a 1

EXHIBIT 67

Project Nos.: SUB13-009/SEP13-031

Project Name: Coval Preliminary Long Plat

Project Address: 3051 84th Avenue SE

B3 c 1

Much has been said by neighbors in comments to the City about our experience with drainage through Coval backing up onto our properties on the South. Within the last few years we have had to do extensive repairs to our lane due to water damage when the storm drain vault failed to pass water downstream through the Coval property. Extensive revision of this problematic flow could have major impact to our properties to the South and, possibly to a greater extent, the properties to the North and along the ditch on 84TH where much of the runoff from this newly impermeable land is designed to flow. The newly designed stormwater drainage system in the Coval development is designed to allow for a slow discharge of large amounts of water to the ditch along 84TH, but experience around King County and elsewhere has shown that these systems work well most of the time, until they don't, often due to lack of the frequent maintenance they require, or due to storms that exceed maximum for which they were designed. The excess water then is a threat to the infrastructure of 84TH and all downstream structures, extending to Lake Washington. Again, reassurance that minimizes the potential problems is provided by a single engineer and maintenance of this system is to be provided by a developer who may not be present when it fails.

We have many more comments on the items in the Checklist, but trust that the City has examined these items in detail or other concerned citizens have expressed their concerns. Thank you very much for hearing us out. We shall have further comments on these and other items at the appropriate hearings.

Sincerely;

Richard and Deborah Ferse 3203-84TH AVE SE

EXHIBIT 68

December 11, 2013

Ms. Shana Crick
Development Services Group
City of Mercer Island
Mercer Island, WA 98040

Email: shana.crick@mercergov.org

Re: Coval Plat Proposal (SUB 13-009 and SEPA 13-031)

As someone whose family roots on Mercer Island go back to 1942, I hope to express my concern regarding the proposal to develop prime land on the North End of Mercer Island, adjacent to Upper Luther Burbank Park. This 5.1 acre parcel, when developed, will completely cut off habitat for many wildlife species, and will, I fear, make the area, a favorite of walkers and blackberry pickers and school kids, both unsafe and noisy.

I have also learned, and am troubled by, news that the City has not required the applicant to prepare an Environmental Impact Statement to properly and thoroughly examine, quantify, and analyze the potential impacts of the proposed development.

As one who has spent 25 years working with Tribes and seafood interests, I am also disturbed with the potential of this development to create adverse impacts on tribal fishing and also recreational fishing for salmon in Lake Washington.

I sincerely hope that the City will take all precautions to address all possible environmental concerns to avoid potential litigation.

While I live on the South End and am theoretically not impacted by the potential development, I have a grandson who attends Country Village and am aware that many children and youth see this area and this street as a convenient way to walk to the downtown area. I have many concerns about this proposed development, not the least of which is the enormous impact it will have on traffic during and after construction.

There has to be a better use of this beautiful property.

“Don’t it always seem to go / that you don’t know what you have ‘til it’s gone....”

Let’s take a hard look at this development and not pave paradise just yet.

Respectfully,

Jeanne McKnight, Ph.D.
6681 E. Mercer Way
Mercer Island
206-230-0404

EXHIBIT 69

ARAMBURU & EUSTIS, LLP

Attorneys at Law

J. Richard Aramburu
rick@aramburu-eustis.com
Jeffrey M. Eustis
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720 Third Avenue, Suite 2000
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December 11, 2013

Katie Knight
City Attorney
City of Mercer Island
9611 S.E. 36th Street
Mercer Island, Washington 98040

VIA EMAIL: *Katie.Knight@mercergov.org*

Re: Coval Plat: File No. SUB13-009

Dear Ms. Knight.

As you are aware, this office represents Dr. Richard and Deborah Ferse and Linda Chaves with regard to the proposed Coval Plat. In relation to that plat application, we have written two letters (November 7 and November 19, 2013) concerning the Critical Area Determination (CAD) made by the City on the plat. In that correspondence, we have described deficiencies in the processing of the Critical Area Determination application because of the lack of public notice, lack of opportunity for local residents to comment, lack of notice of the June 18, 2013 decision and the failure to allow for an appeal to the planning commission.

We have now received a letter from the applicant's attorney, Jay Derr, contesting the contents of my prior letters. For the reasons stated below, the City should decline to accept the self-serving statements made in that letter and order that the Critical Area Determination be subject to code requirements. The basis for this position is set forth below.

Mr. Derr's second paragraph says that my clients attended a "public meeting" on the Coval plat on October 2, 2013. I don't know where he got this information, but there was no public meeting on that date. In fact, a meeting was requested by neighbors to learn the status of the plat. The meeting was not noticed in any manner.

Mr. Derr's letter continues to say that there was no notice of a Critical Area Determination application because there was (in the applicant's opinion) no watercourse on the site. This bit of revisionist history ignores the fact that on April 3,

2013, Mr. Derr's clients applied to the City for a Critical Area Determination, which application was signed by the property owner, who paid a filing fee (\$2073.39) and was assigned a file number (CAO13-002) by the City. Was the purpose of this submission, as stated by Mr. Derr, to consider "reduction or averaging" of a watercourse buffer on the site? No, the letter accompanying the application, dated April 3, 2013 stated that: "it is our opinion that no such watercourse exists." The facts are clear: the Critical Area Determination application was filed so that a Critical Area Determination might be made that the plat developer could ignore the watercourse on the property, which is clearly specified on City mapping. Indeed, the City acted on CAO13-002 by issuing what is called the "Coval Critical Area Determination" on June 18, 2013. The operative language in the decision is:

Taking into consideration the findings of both Watershed Dynamics and the Watershed Company, it can be concluded that the Type 2 water course shown on City maps does not meet the definition of "watercourse" pursuant to MICC 19.16.010(W), and consequently will not be regulated as such.

In sum, Mr. Derr's clients got exactly what they applied for.

On page 2 of his letter, Mr. Derr claims that the separate consideration of the Critical Area Determination is contrary to the terms of the Local Project Review Act, Chap. 36.70B RCW. This is so he says because that statute requires "consolidation" of project reviews not "sequential consideration." Of course this ignores the fact that it was his own clients' idea to apply for the Critical Area Determination before applying for the subdivision. The letter of April 3, 2013 which accompanied the application expressly requests "sequential" processing: "We are seeking confirmation that the city agrees with this determination so that we can proceed with preparing the preliminary plat application documents based on this site development plan." Presumably the decision to request this sequential consideration was made based on the legal advice of Mr. Derr.

Mr. Derr's clients could have chosen to proceed in a consolidated manner and could have, as Mr. Derr states on page 2 of his letter, reserved the Critical Area Determination issue for the plat hearing. But that is not what happened. The plat applicant chose its course of action because it wanted to commit staff on the Critical Area Determination before going into the plat hearing. The problem was that no one along the way, including the applicant, gave the notice and opportunity for comment required by the City's own ordinance. All of this turned out well for the applicant: it was able to secure processing of its Critical Area Determination application largely in private conversations with the City and without any critical comments from anyone. Meanwhile the neighbors and other interested parties were kept in the dark.

Finally, Mr. Derr urges the City to ignore the violations of its own ordinance and

Katie Knight
December 11, 2013
Page 3

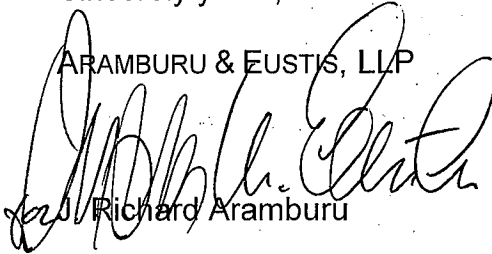
suggests that the watercourse issue may be considered during the plat hearing. But the applicant has chosen its own path and cannot now seek to ignore deficiencies in the process. This is especially true when the applicant got what it wanted: a separate, sequential decision from the City on its Critical Area Determination application. The prejudice to neighbors and other interested parties from being denied the right to comment, and having a decision made by staff with only half the story, is obvious.

There were clear defects in the processing of Critical Area Determination Application CAP13-002. How and why they happened is not important. What is important is compliance with the requirements of the City ordinances. As such, the Critical Area Determination made by City staff on June 18, 2013 must be vacated and the neighbors be given code-required notice, opportunity to comment and opportunity for appeal to the planning commission, as required by City ordinance. This compliance must occur before the hearing on the plat, just as requested by the applicant back on April 3, 2013.

Thank you in advance for this opportunity to address this important subject.

Sincerely yours,

ARAMBURU & EUSTIS, LLP

A handwritten signature in dark ink, appearing to read "Richard Aramburu", is written over the printed name and firm name.

JRA:cc

cc: Dr. Richard Ferse
Linda Chaves
Shana Crick, City of Mercer Island
Jay Derr, VanNess Feldman GordonDerr

Shana Crick

From: Trevor Price [trevoralanprice@hotmail.com]
Sent: Wednesday, December 11, 2013 7:51 PM
To: Shana Crick
Subject: Comments Re: Proposed Coval Subdivision 3051 84 Ave SE

Follow Up Flag: Follow up
Flag Status: Flagged

Shana,

We live a couple of blocks away from the proposed new subdivision @ 3051 84th Ave SE. We want to express our concerns regarding the following:

- The size of the proposed subdivision concerns us. 18 homes seems to be excessive for the size of the lot as it will most certainly create problems with parking. It will not be able to accommodate the vehicles of the owners and visitors of the new properties and will most definitely push the parking overflow onto the 84th Ave. This street is barely wide enough for two cars to pass by each other and is the main arterial for the neighborhood, it also lacks a sidewalk. This is a major safety concern. Access to the Upper Luther Burbank Park will also be impacted.
- There is a place for high density residential developments, however this particular area of Mercer Island is unsuitable for it as it completely lacks the infrastructure that these developments need .
- From the materials available to us it seems like the environmental impact studies have been rather superficial at best for the project of this magnitude especially given the areas topography.

Please take these concerns into consideration while reviewing this proposal. We want to stress that we do not oppose the development of this property. While it will be sad to lose such a neighborhood jam we know that to expect this property to remain unchanged would be unrealistic. We want to make sure that the size and character of the new development will be consistent with the character and flow of this neighborhood and will be beneficial and not a blight to the neighborhood.

Sincerely,
Trevor and Elena Price.

EXHIBIT 71

Shana Crick

From: Sue Stewart [Sue@writestuf.biz]
Sent: Saturday, December 14, 2013 1:06 PM
To: Travis Saunders; jroan@fhcrc.org; rmoore@eds.org; Shana Crick
Cc: fwang98040@yahoo.com; susanmorrisson@earthlink.net; Paul West
Subject: RE: Mercer Island Shoreline Master Program Update - City Council Meeting 12/2/13

Travis Saunders and Shana Crick, Paul and sustainability friends,
SUB-13-009
CAO 13-002

First Travis, Thank you for including me in this e-mail string! I hope my comments could be included in the parks planning process but also as part of the development staff, planning commission and city council's perspective on sustainability for wildlife as our city and residential areas seems to be built out in record time.

The current building practices on Mercer Island are being planned and executed with infill development that could cause serious loss of wildlife and birds. Developers such as JayMarc and Rykon Group or North Bluff Development, Ltd. as they are also known have plans in progress or have already built mega-homes alongside significant park land. There are four homes just east of Clise Park and two homes just west of Luther Burbank's entrance by JayMarc. Rykon Group of British Columbia has plans in progress to develop 18 mega homes just west of Upper Luther Burbank Park on the 5 acre Coval home and gardens. This property has had 300 trees of remarkable maturity since the early owners in 1903. Rita Moore and Judith Roan make strong points below that birds, amphibians and wildlife counts are valuable and a way to understand the level of decline we will likely see as these building practices continue to get approval. This is a parks issue but should also be a broader citizen and city staff, planning commission and City Council concern. I am pleased the Shoreline Master Plan was passed by the council on December 2nd and I hope the environmental sensitivity crosses over into limiting or ending mega-home development.

Sincerely,
Sue Stewart

-----Original Message-----

From: Travis Saunders [mailto:Travis.Saunders@mercergov.org]
Sent: Wednesday, December 04, 2013 8:28 AM
To: 'Roan, Judith G'; 'rmoore@eds.org'
Cc: 'fwang98040@yahoo.com'; 'susanmorrisson@earthlink.net'; 'sue@writestuf.biz'; Paul West
Subject: RE: Mercer Island Shoreline Master Program Update - City Council Meeting 12/2/13

Rita, Judith, et al,

Thanks for your continued commitment to Mercer Island's wildlife and parks. I am forwarding your comments to Paul West, Parks Natural Resource Coordinator, as he is part of the team involved with the 2014-2019 Parks and Recreation Plan. He will be able to make sure your comments are appropriately directed.

Best regards,
Travis Saunders
Planner
City of Mercer Island Development Services
9611 SE 36th Street, Mercer Island, WA 98040-3732
p: 206.275.7717 fx: 206.275.7726
travis.saunders@mercergov.org

View the status of permits at www.mybuildingpermit.com View information for a geographic area at <http://pubmaps.mercergov.org/geocortex/essentials/web/Viewer.aspx?Site=MercerIslandPublic&ReloadKey=True>
View application and other zoning information at <http://www.mercergov.org/Page.asp?NavID=361>

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-----Original Message-----

From: Roan, Judith G [mailto:jroan@fhcrc.org]
Sent: Tuesday, December 03, 2013 9:14 PM
To: rmoore@eds.org
Cc: fwang98040@yahoo.com; susanmorrisson@earthlink.net; sue@writestuf.biz; Travis Saunders
Subject: Re: Mercer Island Shoreline Master Program Update - City Council Meeting 12/2/13

Hi Rita

I could not agree more about the importance of having wildlife baseline numbers. It has been several years since I have seen flying squirrels on the Island. We now have a deer population, and feral cats in our parks. Undisturbed habitat is most important in maintaining nesting birds. If we could get more people in noting wildlife in their own areas and in our parks then we can better know how to serve and maintain our wildlife. New housing and other developments are creeping closer to the established parks especially Mercerdale Hillside Park. Which makes it even more important to finish the task of invasive plant removal and planting native flora to maintain wildlife.

FYI--the annual Audubon Christmas Bird Count is on the 28th of December. I am once again counting the Island with a couple of birding teams--and appreciate any tallys from individual residences.

Judith Roan

----- Original Message -----

From: "Rita Moore" <rmoore@eds.org>
To: "Travis Saunders" <Travis.Saunders@mercergov.org>
Cc: "Fay Wang" <fwang98040@yahoo.com>, "Susan Morrisson" <susanmorrisson@earthlink.net>, "Sue Stewart" <sue@writestuf.biz>, "Judy Roan" <jroan@fhcrc.org>
Sent: Tuesday, December 3, 2013 7:21:37 PM
Subject: Re: Mercer Island Shoreline Master Program Update - City Council Meeting 12/2/13

Travis,

I have read over the 2014-2019 Parks and Recreation Plan. I see a major component that has not been addressed. We should also be considering wildlife habitat. Our open spaces generally provide the best habitat for wildlife but not always. Even a developed park can and should have areas for wildlife habitat. Our nesting songbirds are threatened and our pollinators are having a hard time. Amphibians are also threatened. We should consider reserving some places

in open space areas where we do not put paths or trails but instead leave some areas undisturbed for wildlife. Wildlife on the island should be a part of our sustainability efforts and it is not being addressed by the city. The city has not even done a study of what wildlife lives on the island or its abundance. We should have a baseline for wildlife just as we do for our forests.

I with others, have registered Mercer Island with the National Wildlife Federation to become a certified wildlife habitat city. For certification a specified number of homes, schools and other institutions need to be certified. I consider the program a good way of raising awareness and educating Mercer Island residents about our wildlife and the habitat they need. People can post wildlife sightings and photos on our Facebook site
<https://www.facebook.com/MercerIslandIsHabitat?fref=ts>

Rita
Rita Moore
6 Fern Hollow
Mercer Island, WA 98040
phone: 206 275-3883
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Mercer Island Shoreline Master Program update interested parties:

On December 2, 2013 , the City Council will conduct a third reading of Ordinance No. 13C-12 to adopt an update to the Shoreline Mater Program.

The agenda for the meeting can be found here:

<http://pubdocs.mercergov.org/meetings/mtgviewer.aspx?meetid=109&doctype=AGENDA>

SMP related materials for the meeting can be found here:

<http://pubdocs.mercergov.org/meetings/cache/108/hvp3vmmpiagbzz45udinep55/41160412022013093628826.PDF>

Travis Saunders

Planner

City of Mercer Island Development Services

9611 SE 36th Street, Mercer Island, WA 98040-3732

p: 206.275.7717 fx: 206.275.7726

travis.saunders@mercergov.org

View the status of permits at www.mybuildingpermit.com

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<http://pubmaps.mercergov.org/geocortex/essentials/web/Viewer.aspx?Site=MercerIslandPublic&ReloadKey=True>

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EXHIBIT 72

December 16, 2013

Ms. Shana Crick
Development Services Group
City of Mercer Island
9611 SE 36th Street
Mercer Island, WA 98040

Re: SUB13-009 Coval Subdivision, CAO 13-002

To Development Services Group,

We are writing to register our concern about numerous elements of the proposed 18 lot subdivision of 3051 84th Avenue SE. Allowing a subdivision of 18 homes on this acreage where the Mercer Island city map shows steep slopes, a slide area and a watercourse conflicts with Municipal Code section 19.08.030 (C) Control of Hazards. The watercourse is observed flowing from south of the proposed development and ultimately pours into Luther Burbank Park's south wetland near the swim beach. Besides those attributes listed above we worry about drainage problems, traffic access and public safety particularly during the construction stage.

Further this project is not compatible with the surrounding neighborhood as required by the Mercer Island City Code, Section 19.08.030 (A) and Comprehensive Plan, Land Use Element, 8.5 which "encourages infill development on vacant or under-utilized sites that are outside of critical areas and ensure that the infill is compatible with the surrounding neighborhoods".

Signed,

Sue & T.J. Stewart

P.S. please click on the link to the front page story of the [Seattle Times](#) dated today. I've been Emergency Preparedness captain for 20 years trying to keep our neighborhood by the Covals' informed and prepared for an earthquake through various city staff over the years. Although the volunteer position is not how Jennifer Franklin runs her very savvy program I still support her work by keeping a current list of neighbors. I hope you will share the article with all of the Development staff since the Seattle Fault is so close to the Coval property. It begs extra concentration on paring back the number of homes being considered in order to protect from potential future problems.

The Seattle Times

Winner of Nine Pulitzer Prizes

Local News

Originally published December 15, 2013 at 8:03 PM | Page modified December 15, 2013 at 8:34 PM

When Seattle shakes from quakes, it's going to slide, too

A new study finds that in Seattle more than 10,000 buildings — many of them homes — are at high risk from earthquake-triggered landslides.

By Sandi Doughton

Seattle Times science reporter



With its coastal bluffs, roller-coaster hills and soggy weather, Seattle is primed for landslides even when the ground isn't shaking. Jolt the city with a major earthquake, and a new study from the University of Washington suggests many more slopes could collapse than previously estimated.

A powerful earthquake on the fault that slices under the city's heart could trigger more than 30,000 landslides if it strikes when the ground is saturated, the analysis finds. More than 10,000 buildings, many of them upscale homes with water views, sit in areas at high risk of landslide damage in such a worst-case scenario.

"Our results indicate that landsliding triggered by a large Seattle fault earthquake will be extensive and potentially devastating," says the report published this month in the Bulletin of the Seismological Society of America.

Coming on top of widespread damage to buildings and infrastructure caused by the quake itself, landslides would compound the city's problems and slow its recovery, said lead author Kate Allstadt, who recently earned her doctoral degree in seismology.

"I think the message is that we need to pay much more attention to these earthquake-induced landslides," she said.

The Puget Sound-area landscape is pocked with scars from slides triggered by ground shaking, but the worst of them occurred long before cities existed here. The last quake on the Seattle Fault, about 1,100 years ago, shook the ground so hard that entire hillsides slumped into Lake Washington, carrying intact swaths of forest with them. Tree-ring dating from some of those submerged firs helped establish the quake's date. Scientists estimate its magnitude at about 7.5.

Researchers studying lake-bottom sediments have also unearthed a record of as many as seven landslide episodes linked to earthquakes in the past 3,500 years.

Even the relatively modest Nisqually earthquake in 2001 — which occurred during an unusual winter dry spell — set off about 100 landslides.

Allstadt, a New York native, became intrigued with landslide risk soon after she got her first look at

Seattle's up-and-down terrain and learned about the region's seismic history. Though the city has good maps of landslide zones, most of the emphasis has been on the garden-variety slides caused by wet ground.

"Because so many landslides were triggered by the last earthquake on the Seattle Fault, it was really surprising to me that no one had looked in detail at what would happen today, when those hillsides are covered with houses," Allstadt said.

She and colleagues John Vidale, of the UW, and Art Frankel, of the U.S. Geological Survey, set out to answer that question by simulating the effects of a magnitude 7 quake on the Seattle Fault. The fault, which is actually a wide band of subterranean fissures, extends from Bremerton to the Cascade foothills, crossing under West Seattle, Puget Sound and South Seattle.

Thanks to modern computing power and new insights into the way seismic waves bounce around in the sedimentary basin that underlies much of Seattle, Allstadt was able to create a very detailed picture of how shaking would vary across the city, said Tim Walsh, geologic hazards chief for the Washington Department of Natural Resources.

"It represents a huge effort," he said.

Allstadt then factored in topography and soil type, along with what's already known about the stability of landslide-prone slopes.

Not surprisingly, when she allowed her scenario to play out under dry conditions, the number of potentially destructive landslides was much lower: about 5,000, compared with the 30,000 predicted when the ground is sopping wet.

But Allstadt was surprised that about a third of the simulated landslides in both wet and dry conditions struck in areas that aren't on the city's landslide hazard maps. That includes some inland areas, where the threat of landslides has been assumed to be low.

In general, landslide damage was much more severe in neighborhoods close to and south of the fault, where shaking is expected to be strongest. That includes much of West Seattle, Beacon Hill and Mount Baker — though if a big quake hits when the ground is wet, Allstadt's simulations predict lots of slides in North Seattle as well as along all of the region's coastal bluffs.

The new study looks at only one possible quake and two sets of soil conditions: Bone dry and sopping wet. To help the city improve its hazard mapping, it would be necessary to consider multiple earthquake magnitudes and varying moisture levels, Walsh pointed out.

The UW study also didn't examine the landslide consequences of a coastal megaquake, like the one that struck the Northwest in the year 1700 — and which is certain to happen again. Measuring magnitude 9 or more, coastal megaquakes are far more powerful than those the Seattle Fault can generate.

But for the city itself, a large quake on the hometown fault would be more destructive, because the force is concentrated directly under the urban area.

Geologists still don't have a good handle on how frequently the Seattle Fault ruptures, but they have uncovered evidence of at least three powerful quakes in the last 2,500 years.

According to one scenario, a magnitude 6.7 quake on the Seattle Fault could kill 1,600 people and cause \$33 billion in damage. That analysis glossed over the damage caused by landslides, but in major quakes, collapsing hillsides can cause as much — or more — destruction than the shaking itself, Allstadt pointed out.

More than half of the damage in Alaska's 1964 Good Friday earthquake was due to landslides. In China's 2008 Sichuan earthquake — notable for widespread damage to schools — more than 60,000 landslides were responsible for tens of thousands of deaths.

Allstadt's analysis also shows that utility lines and roads in the Seattle area — including Interstate 5

where it passes along Beacon Hill — are at risk from landslides.

“There’s a kind of haunting precedence that tells us that we should pay attention to a large earthquake on (the Seattle Fault) because it happened in the past,” she said.

Sandi Doughton at: 206-464-2491 or sdoughton@seattletimes.com

EXHIBIT 73

Shana Crick

From: Shana Crick
Sent: Tuesday, December 17, 2013 5:20 PM
To: 'rick@aramburu-eustis.com'
Cc: Katie Knight; Scott Greenberg; George Steirer; 'jderr@GordonDerr.com'; 'Wes Giesbrecht'
Subject: Response to November 7, 2013 and November 19, 2013 letters re: CAO13-002, SUB13-009, and SEP13-031
Attachments: Aramburu response letter-12-16-13.pdf

Dear Mr. Aramburu,

Please find attached the requested response to your November 7, 2013 and November 19, 2013 letters regarding file numbers CAO13-002, SUB13-009, and SEP13-031.

Thank you,
Shana Crick

Shana Crick
Senior Planner
City of Mercer Island Development Services Group
9611 SE 36th Street
Mercer Island, WA 98040-3732
Phone: 206-275-7732; Fax: 206-275-7726
shana.crick@mercergov.org

View the status of permits at www.mybuildingpermit.com

View information for a geographic area at <http://pubmaps.mercergov.org>

View application and other zoning information at <http://www.mercergov.org/Page.asp?NavID=361>

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Shana Crick

From: Shana Crick
Sent: Tuesday, December 17, 2013 5:27 PM
To: Shana Crick; 'rick@aramburu-eustis.com'
Cc: Katie Knight; Scott Greenberg; George Steirer; 'jderr@GordonDerr.com'; 'Wes Giesbrecht'
Subject: RE: Response to November 7, 2013 and November 19, 2013 letters re: CAO13-002, SUB13-009, and SEP13-031

Dear Mr. Aramburu,

In the response sent earlier, the word “refutes” in underlined. To clarify, the underlining was a typographical error and any implied emphasis is not deliberate.

Thanks,
Shana Crick

Shana Crick
Senior Planner
City of Mercer Island Development Services Group
9611 SE 36th Street
Mercer Island, WA 98040-3732
Phone: 206-275-7732; Fax: 206-275-7726
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Subject: Response to November 7, 2013 and November 19, 2013 letters re: CAO13-002, SUB13-009, and SEP13-031

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Please find attached the requested response to your November 7, 2013 and November 19, 2013 letters regarding file numbers CAO13-002, SUB13-009, and SEP13-031.

Thank you,
Shana Crick

Shana Crick
Senior Planner
City of Mercer Island Development Services Group
9611 SE 36th Street
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Phone: 206-275-7732; Fax: 206-275-7726

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CITY OF MERCER ISLAND

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(206) 275-7605 • FAX (206) 275-7726

www.mercergov.org

December 16, 2013

Aramburu and Eustis, L.L.P.
ATTN: J. Richard Aramburu
720 Third Avenue, Suite 2000
Seattle, WA 98104

RE: File Nos. CAO13-002 – Critical Areas Determination and
SUB13-009/SEP13-031 - Coval Long Subdivision
3051 84th Avenue SE, Mercer Island, WA 98040; King County Tax Parcel # 122404-9010

Dear Mr. Aramburu,

Thank you for your letters dated November 7, 2013 and November 19, 2013 regarding project file number CAO13-002. During review of the letters, City staff found several factual inaccuracies. As a courtesy to you and in order to set the record straight, this letter responds to your concerns by providing review of relevant Mercer Island City Code (MICC) related to the matter.

The aforementioned letters assert that a critical area determination is the appropriate process used to establish critical areas on a specific site. MICC based processes by which critical areas are identified and the scope of a critical areas determination are separate and distinct. MICC 19.07.020(C) establishes the location and extent of critical areas, which are illustrated in MICC Title 19, Appendix E, as approximate. The MICC specifies that Appendix E is "to be used as a reference only." The MICC places the burden on the applicant by stating "the applicant is responsible for determining the scope, extent and boundaries of any critical areas to the satisfaction of the code official." The process of identifying critical areas on a site is not an action subject to a unique permit process, pursuant to MICC 19.15.010(E). When a critical area is shown in MICC Title 19, Appendix E, the City may require a critical area study, pursuant to MICC 19.07.050. Such report would be presented and reviewed in the course of processing a permit action listed in MICC 19.15.010(E), such as approval of a long plat.

A critical area determination is listed as a permit action in MICC 19.15.010(E), "critical area determination," and is specifically defined in MICC 19.16.010(C): *"An administrative action by the code official pursuant to MICC 19.15.010(E) to allow reduction or averaging of a wetland or watercourse buffer, or alteration of a steep slope."* Therefore, a critical area determination does not apply to the identification of critical areas on a site; it is an action to reduce a critical area buffer or to alter a steep slope once a critical area has been identified.

The subject site was studied by two separate qualified professionals who determined via a critical area report that neither a watercourse nor wetland(s), as defined by MICC 19.16.010(W), were present on the site. Once this site specific information was provided to the satisfaction of the Code Official, it was clear that a critical areas determination was no longer pertinent to the project. Simply stated, without a watercourse or wetland(s) on site, there are no buffers to reduce and a critical area determination does not apply. Hence, on October 8, 2013, staff requested that the applicant withdraw the unnecessary application, based on the facts of the critical area reports.

In addition to the issue clarified above, your letters raise concern that: 1) notice was not provided to the residents regarding the unnecessary critical area determination; and 2) that a decision on the matter was issued. The record shows that a meeting was organized between City staff and several neighbors, which was held on October 2, 2013. No statutory notice was required for this meeting. Your clients clearly had actual notice, as they were in attendance. This is evidenced by your November 19, 2013 letter, which shows that your clients were aware of the critical areas determination application at the time of the meeting and had the opportunity to share their concerns with City staff.

While there was a letter issued to the applicant, Mr. Giesbrecht on June 18, 2013, it was not a decision on the matter; it was a letter to convey the findings of the critical area reports, which solidified that a critical area determination was not necessary, due to the absence of any watercourse or wetland(s). Had this letter been a decision, the required elements for a notice of decision contained in Washington Administrative Code (WAC) 365-196-845(13) would have been present; the City is aware of and follows state laws when issuing decisions.

In summary, substantial error was not made in either the processing of the critical area determination or in the conclusion that there was neither a watercourse nor wetland(s) on the subject property.

Staff would gladly consider any information regarding potential critical areas on site that your clients can provide. Critical areas are defined by MICC 19.16.010(C) as "Geologic hazard areas, watercourses, wetlands and wildlife habitat conservation areas." In order to establish whether a critical area is present on site, it is necessary to demonstrate that the defining requirements of the particular critical area pursuant to MICC 19.07 and MICC 19.16.010 are met. For example, to establish that a regulated watercourse exists on site, it must be shown that there is a feature on the subject property that exhibits the following characteristics established within MICC 19.16.010(W);

A course or route, formed by nature and generally consisting of a channel with a bed, banks, or sides throughout substantially all its length, along which surface waters, with some regularity (annually in the rainy season), naturally and normally flow in draining from higher to lower lands. This definition does not include irrigation and drainage ditches, grass-lined swales, canals, storm water runoff devices, or other courses unless they are used by fish or to convey waters that were naturally occurring prior to construction.

As discussed previously with your clients, the City is willing to revisit the identification of critical areas on the Coval site if evidence is provided that refutes the existing scientific reports that were prepared by qualified professionals.

Please note: As detailed in the City's November 18, 2013 combined public notice of application, notice open record public hearing, and notice of public meeting for file numbers SUB13-009/SEP13-031, an open record public hearing in front of the Planning Commission will be held on January 15, 2013. The public hearing allows for testimony to be given on the proposed eighteen lot long plat of the subject property. This will provide an opportunity for the public to express their concerns. City staff is happy to respond to questions about the proposal and provide additional information and materials.

Sincerely,

A handwritten signature in black ink that reads "Shana Crick". The signature is written in a cursive, slightly slanted style.

Shana Crick, Senior Planner
City of Mercer Island Development Services Group

Shana Crick

From: Carol [carol@aramburu-eustis.com]
Sent: Friday, December 27, 2013 4:14 PM
To: Ali Spietz; Shana Crick; Scott Greenberg; midsg
Cc: rick@aramburu-eustis.com
Subject: COVAL Plat Proposal
Attachments: 2013-12-27 Letter to MI re LDA comment period.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Please see attached correspondence from Mr. Aramburu.

Carol Cohoe
ARAMBURU & EUSTIS, LLP
720 Third Avenue
Pacific Building Suite 2000
Seattle, WA 98104
Telephone (206) 625-9515
Facsimile (206) 682-1376

This message may be protected by the attorney-client and/or work product privilege. If you received this message in error please notify us and destroy the message. Thank you.

ARAMBURU & EUSTIS, LLP

Attorneys at Law

J. Richard Aramburu
rick@aramburu-eustis.com
Jeffrey M. Eustis
eustis@aramburu-eustis.com

720 Third Avenue, Suite 2000
Seattle, WA 98104
Tel 206.625.9515
Fax 206.682.1376
www.aramburu-eustis.com

December 27, 2013

City of Mercer Island
Planning Commission
9611 SE 36th Street
Mercer Island, WA 98040

Via Email, c/o City Clerk Ali Spietz
Ali.Spietz@mercergov.org

Shana Crick, Planner
Development Services Group
City of Mercer Island
9611 S.E. 36th Street
Mercer Island, Washington 98040

Via Email: *Shana.Crick@mercergov.org*

Scott Greenberg
Development Services Group Director
City of Mercer Island
9611 S.E. 36th Street
Mercer Island, Washington 98040

Via Email: *midsg@mercergov.org* and
scott.greenberg@mercergov.org

Re: COVAL PLAT PROPOSAL
City of Mercer Island File Nos. SUB13-009 and SEPA 13-031
Request for Extension of Time

Dear Chair of the Planning Commission and/or City staff:

As you are aware, this office represents Dr. Richard and Deborah Ferse and Linda Chaves, parties of record and residents impacted by the proposed 18 lot development on the Coval property at 3051 84th Avenue S.E. My clients have provided comments and attended meetings regarding this large subdivision.

The Ferse's and Ms. Chaves have just received the City staff's "Mitigated Determination of Non-significance" (MDNS) which was dated, and sent by regular mail, on December 23, 2014. The MDNS is a detailed, 11 page, single spaced document with considerable technical analysis. This document identifies numerous technical

reports and materials prepared by the applicant, some of which were just received in November. The MDNS indicates that these documents can be reviewed at City offices.

The MDNS specified that comments on the MDNS and any possible appeal must be submitted by 5 p.m. on January 6, 2014, some 14 days from the date of issuance.

As noted above, the MDNS was mailed on December 23, 2013, the day before Christmas Eve, effectively cutting into the available comment period by a day.¹ The remaining time period to prepare comments includes Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, New Year's Day, and two weekends, times when Mercer Island residents are enjoying time off work, family get-togethers, holiday vacations and attending to end of the year business. Indeed, some of the residents most interested in this land development proposal are currently out of town; even the regular meeting of the City Council for December 16 was cancelled.

Because of these conflicts, we believe it is unreasonable to ask local residents and neighbors to study complex material and prepare comments (and a possible appeal) during the holiday season and have them to the City by January 6, 2014. In addition, technical consultants are routinely taking time off during the holiday season, making it difficult to receive expert guidance in replying to the MDNS. In short, the holiday season is the worst time to set deadlines for resident and neighbor input to the public process. Such timing is also inconsistent with the "Commitment to Public Involvement" in the Mercer Island Comprehensive Plan, which states:

Mercer Island City government is committed to good public process. That commitment is reflected in efforts to enhance and optimize the way in which City decisions are made to include the broadest possible range of Island residents. The City's mission and values are understood by the Council and serve as the unifying principles that guide its decisions.

Among other objectives for this "commitment" is the following:

Increased openness and responsiveness of City government to its constituents.

We ask that these principals be followed here.

Based on the foregoing, we ask that the City extend the period of time for comment and appeal on the MDNS by two weeks, from January 6 to January 21, 2014, to allow the public and interested residents reasonable time to comment and consider

¹ Though we have regularly communicated with the staff by email, the MDNS was sent by regular mail.

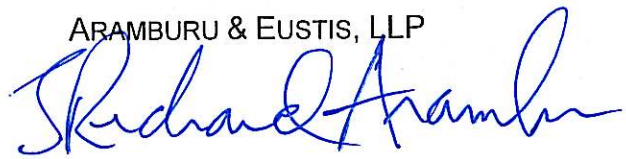
December 27, 2013
Page 3

appeals. At the same time, the hearing now scheduled for January 15 on the plat itself should also be continued to the next planning commission meeting (scheduled for February 5, 2014) to allow for inclusion of any comments. This very short extension of time will allow interested parties sufficient time to focus on this project without material impact to the applicant or the city.

Given the short time frame, we would appreciate a prompt response to this request.

Sincerely yours,

ARAMBURU & EUSTIS, LLP



J. Richard Aramburu

JRA:cc

cc: Richard and Deborah Ferse
Linda Chaves
Katie Knight (Via email: Katie.Knight@mercergov.org)

Shana Crick

From: Sue Stewart [Sue@writestuf.biz]
Sent: Sunday, December 29, 2013 7:13 PM
To: Ali Spietz; Katie Knight; Shana Crick; Scott Greenberg
Cc: TJ@writestuf.biz
Subject: Request for extension of Coval long plat development

Follow Up Flag: Follow up
Flag Status: Flagged

Ali, Katie, Shana and Scott,

This has been a very difficult time to concentrate on the 11 page document dated December 23rd, 2013 from Senior Planner, Shana Crick regarding the **SEP13-031 and SUB 13-009 Mitigated Determination of Non-Significance**. There are topics that need review, understanding and consideration by many neighbors in order to get the best possible outcome on what seems to be a slam dunk for the developer and a lack of consideration for citizens who live in this neighborhood. We feel strongly that there are constructive suggestions that will make our neighborhood more safe during a very disruptive and possibly dangerous project construction. Our 84th Avenue is a narrow street with broad based use that city staff would not ever be expected to know or understand. We do and we care about the future and about safety concerns for our neighbors and guests.

First and foremost, could the appeal date please be pushed back to January 21st? Beyond that if the Planning Commission first reading/review could be in early February instead of January 15th that would offer us time to gather our thoughts and be prepared.

Please give us the gift of a little more time – it is just the right thing to do.

Sincerely,
Sue and T.J. Stewart
3205 84th Avenue SE
Mercer Island, WA 98040

EXHIBIT 76

Shana Crick

From: Karen Walter [KWalter@muckleshoot.nsn.us]
Sent: Monday, December 30, 2013 10:36 AM
To: Shana Crick
Subject: RE: SEPA Mitigated Determination of Nonsignificance for Coval 18-Lot Long Plat (File numbers SEP13-031/SUB13-009) - Email 4 of 4

Shana,
Thanks for these emails with all of the requested documents. We have reviewed them and have no further questions or comments.

Happy New Year!

Karen Walter
Watersheds and Land Use Team Leader

*Muckleshoot Indian Tribe Fisheries Division
Habitat Program
39015 172nd Ave SE
Auburn, WA 98092
253-876-3116*

From: Shana Crick [<mailto:Shana.Crick@mercergov.org>]
Sent: Monday, December 30, 2013 10:10 AM
To: Shana Crick; Karen Walter
Subject: RE: SEPA Mitigated Determination of Nonsignificance for Coval 18-Lot Long Plat (File numbers SEP13-031/SUB13-009) - Email 4 of 4

Karen,

Please find the requested documents attached. Let me know if you need anything else.

Thanks,
Shana

Shana Crick
Senior Planner
City of Mercer Island Development Services Group
9611 SE 36th Street
Mercer Island, WA 98040-3732
Phone: 206-275-7732; Fax: 206-275-7726
shana.crick@mercergov.org

View the status of permits at www.mybuildingpermit.com
View information for a geographic area at <http://pubmaps.mercergov.org>
View application and other zoning information at <http://www.mercergov.org/Page.asp?NavID=361>

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From: Karen Walter [<mailto:KWalter@muckleshoot.nsn.us>]
Sent: Thursday, December 26, 2013 3:54 PM
To: Shana Crick

Subject: RE: SEPA Mitigated Determination of Nonsignificance for Coval 18-Lot Long Plat (File numbers SEP13-031/SUB13-009)

Shana,

Thanks for sending us this SEPA notice. We need additional information to fully evaluate this project and would appreciate a copy of the following documents referenced in the checklist:

1. Watercourse review and peer review of watercourse review;
2. Wetland review and peer review of wetland review;
3. Site plan;
4. Stormwater plan.

We prefer electronic copies if available. We need to receive these documents as soon as possible so that we may review them and provide the City with any comments that we may have by the January 6 2014 comment deadline.

Thank you,
Karen Walter
Watersheds and Land Use Team Leader

*Muckleshoot Indian Tribe Fisheries Division
Habitat Program
39015 172nd Ave SE
Auburn, WA 98092
253-876-3116*

Shana Crick

From: Carol [carol@aramburu-eustis.com]
Sent: Monday, December 30, 2013 10:57 AM
To: Shana Crick
Cc: rick@aramburu-eustis.com
Subject: RE: Planning Commission agendas

Follow Up Flag: Follow up
Flag Status: Flagged

Wonderful, we'll be watching for that – thank you!

Carol Cohoe
Aramburu & Eustis, LLP

From: Shana Crick [<mailto:Shana.Crick@mercergov.org>]
Sent: Monday, December 30, 2013 10:51 AM
To: 'Carol'
Cc: 'rick@aramburu-eustis.com'
Subject: RE: Planning Commission agendas

Hi Carol,

The Planning Commission agendas are sent out with the Planning Commission packets, and are ready at the same time. The agenda for the January 15, 2013 meeting will likely be ready the morning of Friday, January 10, 2013. Since Mr. Aramburu is a party of record, you will receive an electronic copy of the agenda along with a link to the Planning Commission packet.

Thanks,
Shana

Shana Crick
Senior Planner
City of Mercer Island Development Services Group
9611 SE 36th Street
Mercer Island, WA 98040-3732
Phone: 206-275-7732; Fax: 206-275-7726
shana.crick@mercergov.org

View the status of permits at www.mybuildingpermit.com
View information for a geographic area at <http://pubmaps.mercergov.org>
View application and other zoning information at <http://www.mercergov.org/Page.asp?NavID=361>

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From: Carol [<mailto:carol@aramburu-eustis.com>]
Sent: Monday, December 30, 2013 10:37 AM
To: Shana Crick

Cc: rick@aramburu-eustis.com

Subject: FW: Planning Commission agendas

Hi Shana, in the email string below we were advised to make this request for planning commission agendas to you. Please provide any agendas that have been drafted/prepared for the Planning Commission from this date forward through February 2014.

Carol Cohoe
Aramburu & Eustis, LLP

From: Ali Spietz [<mailto:Ali.Spietz@mercergov.org>]

Sent: Monday, December 30, 2013 8:49 AM

To: Carol

Cc: Debbie Bertlin

Subject: RE: Planning Commission agendas

Carol,

The Planning Commission agendas are developed and posted by planning staff. Please contact Shana Crick (shana.crick@mercergov.org) for this information.

Thank you

Ali

Allison (Ali) Spietz, MMC | City Clerk / Public Records Officer

City of Mercer Island | www.mercergov.org

P: 206.275.7793 | F: 206.275.7663

NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this e-mail account may be a public record. Accordingly, this e-mail, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

From: Debbie Bertlin

Sent: Saturday, December 28, 2013 11:39 AM

To: Carol; Ali Spietz

Subject: RE: Planning Commission agendas

Mrs Cohoe;

Typically agendas are posted as available. I am adding our City Clerk to this email in the event you have a specific topic of interest.

Regards,
Debbie

Sent from my Windows Phone

From: [Carol](#)

Sent: 12/27/2013 11:40 AM

To: [Debbie Bertlin](#)

Subject: Planning Commission agendas

Ms. Bertlin, can you provide the PC agendas for January and February? Thanks (I hope!),

Carol Cohoe
ARAMBURU & EUSTIS, LLP
720 Third Avenue
Pacific Building Suite 2000
Seattle, WA 98104
Telephone (206) 625-9515
Facsimile (206) 682-1376

This message may be protected by the attorney-client and/or work product privilege. If you received this message in error please notify us and destroy the message. Thank you.

EXHIBIT 78

Shana Crick

From: Robert W. Thorpe, AICP [rwta@rwta.com]
Sent: Monday, December 30, 2013 2:43 PM
To: Ali Spietz; Shana Crick; Scott Greenberg; midsg
Cc: rick@aramburu-eustis.com; Sue@WriteStuf.biz; dkingman@gordontilden.com
Subject: Coval Plat
Attachments: 2013-12-27 from R_Aramburu.pdf; Coval Extension Letter to MI.doc

Please see attached letter in support of an appeal extension.
The referenced letter from Richard Aramburu is also attached for your convenience.

Thank you,

--

Robert W. Thorpe, AICP - President
R. W. Thorpe & Associates, Inc.
2737 78th Avenue SE, Suite 100
Mercer Island, WA 98040
Phone: 206-624-6239
Web: www.rwta.com

R.W. THORPE & ASSOCIATES, INC.

Seattle • Anchorage • Denver • Winthrop

❖ Planning | Landscape Architecture | Project Management | Environmental | Economics ❖

PRINCIPALS:

Robert W. Thorpe, AICP, President
Stephen Speidel, ASLA

ASSOCIATES:

Lee A. Michaelis, AICP, Senior Associate
Lindsay Diallo, RLA, Associate

December 30, 2013

City of Mercer Island
Planning Commission
9611 SE 36th Street
Mercer Island, WA 98040

Via E-Mail: City Clerk Ali Spietz
Ali.Spietz@mercergov.org

Shana Crick, Planner
Development Services Group
City of Mercer Island

Via E-Mail: Shana.Crick@mercergov.org

Scott Greenberg
Director, Development Services Group

Via E-Mail: midsg@mercergov.org and
Scott.Greenberg@mercergov.org

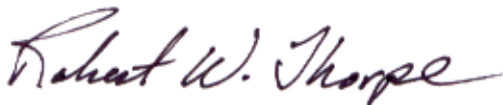
Reference: **Coval Plat Proposal**
City of Mercer Island File Numbers SUB 13-009 and SEPA 13-031
Request for Extension of Time on behalf of Friends of SE 32nd Street
Representatives of Friends of SE 32nd Street.

Honorable Planning Commission Chair and City Staff:

On behalf of R. W. Thorpe & Associates and technical consultants (Wetlands, Water Course, Drainage, Civil, etc.), we support and respectfully request an appeal extension of 15 to 30 days by the Responsible Official as provided for in SEPA regulations as well as continuance of Planning Commission Hearing to February 5th for the reasons set forth in Mr. Richard Aramburu's December 27th, 2013 letter. I, RWT/A Staff and several Consultants have timing issues with responding to these deadlines.

Another reason is the opportunity for the Planning Commission to study and understand the technical studies, number of and sheer volume of information. Requiring them to be prepared for lengthy hearing(s) at this time of year is not the most efficient way of utilizing their expertise and professional input.

Respectfully submitted,
R. W. Thorpe & Associates, Inc.



Robert W. Thorpe, AICP
President

Attached (by reference): Letter from R. Aramburu, 12/27/2013

CC: Richard Aramburu, Sue Stewart, Dale Kingman

ARAMBURU & EUSTIS, LLP

Attorneys at Law

J. Richard Aramburu
rick@aramburu-eustis.com
Jeffrey M. Eustis
eustis@aramburu-eustis.com

720 Third Avenue, Suite 2000
Seattle, WA 98104
Tel 206.625.9515
Fax 206.682.1376
www.aramburu-eustis.com

December 27, 2013

City of Mercer Island
Planning Commission
9611 SE 36th Street
Mercer Island, WA 98040

Via Email, c/o City Clerk Ali Spietz
Ali.Spietz@mercergov.org

Shana Crick, Planner
Development Services Group
City of Mercer Island
9611 S.E. 36th Street
Mercer Island, Washington 98040

Via Email: *Shana.Crick@mercergov.org*

Scott Greenberg
Development Services Group Director
City of Mercer Island
9611 S.E. 36th Street
Mercer Island, Washington 98040

Via Email: *midsg@mercergov.org* and
scott.greenberg@mercergov.org

Re: COVAL PLAT PROPOSAL
City of Mercer Island File Nos. SUB13-009 and SEPA 13-031
Request for Extension of Time

Dear Chair of the Planning Commission and/or City staff:

As you are aware, this office represents Dr. Richard and Deborah Ferse and Linda Chaves, parties of record and residents impacted by the proposed 18 lot development on the Coval property at 3051 84th Avenue S.E. My clients have provided comments and attended meetings regarding this large subdivision.

The Ferse's and Ms. Chaves have just received the City staff's "Mitigated Determination of Non-significance" (MDNS) which was dated, and sent by regular mail, on December 23, 2014. The MDNS is a detailed, 11 page, single spaced document with considerable technical analysis. This document identifies numerous technical

reports and materials prepared by the applicant, some of which were just received in November. The MDNS indicates that these documents can be reviewed at City offices.

The MDNS specified that comments on the MDNS and any possible appeal must be submitted by 5 p.m. on January 6, 2014, some 14 days from the date of issuance.

As noted above, the MDNS was mailed on December 23, 2013, the day before Christmas Eve, effectively cutting into the available comment period by a day.¹ The remaining time period to prepare comments includes Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, New Year's Day, and two weekends, times when Mercer Island residents are enjoying time off work, family get-togethers, holiday vacations and attending to end of the year business. Indeed, some of the residents most interested in this land development proposal are currently out of town; even the regular meeting of the City Council for December 16 was cancelled.

Because of these conflicts, we believe it is unreasonable to ask local residents and neighbors to study complex material and prepare comments (and a possible appeal) during the holiday season and have them to the City by January 6, 2014. In addition, technical consultants are routinely taking time off during the holiday season, making it difficult to receive expert guidance in replying to the MDNS. In short, the holiday season is the worst time to set deadlines for resident and neighbor input to the public process. Such timing is also inconsistent with the "Commitment to Public Involvement" in the Mercer Island Comprehensive Plan, which states:

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Among other objectives for this "commitment" is the following:

Increased openness and responsiveness of City government to its constituents.

We ask that these principals be followed here.

Based on the foregoing, we ask that the City extend the period of time for comment and appeal on the MDNS by two weeks, from January 6 to January 21, 2014, to allow the public and interested residents reasonable time to comment and consider

¹ Though we have regularly communicated with the staff by email, the MDNS was sent by regular mail.


December 27, 2013
Page 3

appeals. At the same time, the hearing now scheduled for January 15 on the plat itself should also be continued to the next planning commission meeting (scheduled for February 5, 2014) to allow for inclusion of any comments. This very short extension of time will allow interested parties sufficient time to focus on this project without material impact to the applicant or the city.

Given the short time frame, we would appreciate a prompt response to this request.

Sincerely yours,

ARAMBURU & EUSTIS, LLP



J. Richard Aramburu

JRA:cc

cc: Richard and Deborah Ferse
Linda Chaves
Katie Knight (Via email: Katie.Knight@mercergov.org)

Shana Crick

From: Shana Crick
Sent: Monday, December 30, 2013 4:27 PM
To: 'rick@aramburu-eustis.com'; 'Carol'; 'Sue@WriteStuf.biz'; 'tj@writestuf.biz'; Robert Thorpe
Cc: Katie Knight; Scott Greenberg
Subject: Coval Plat (SUB13-009/SEP13-031) - request to extend comment and appeal periods

Dear J. Richard Aramburu, Sue and T.J. Stewart, and Robert Thorpe,

The City has received your requests to extend the comment period and move back the appeal deadline associated with the Mitigated Determination of Nonsignificance (MDNS) for project number SEP13-031 (Coval plat – SUB13-009). Mercer Island City Code (MICC) sections 19.07.120(T)(2) and 19.15.020(J)(1) specify an appeal period of 14 days for decisions made by the City (including SEPA threshold determinations). This is also supported by WAC 197-11-680(3)(a)(vii). Consequently, the appeal period cannot, as required by the cited regulations, be extended beyond 14 days. However, the comment period associated with the MDNS will be extended to 5:00 PM on Monday, January 13, 2014. Furthermore, the public hearing date will remain as scheduled for January 15, 2014 at 7:00 PM.

Please see the comments from the applicant's counsel below, which address the extension requests.

Thank you,
Shana Crick

Shana Crick
Senior Planner
City of Mercer Island Development Services Group
9611 SE 36th Street
Mercer Island, WA 98040-3732
Phone: 206-275-7732; Fax: 206-275-7726
shana.crick@mercergov.org

View the status of permits at www.mybuildingpermit.com
View information for a geographic area at <http://pubmaps.mercergov.org>
View application and other zoning information at <http://www.mercergov.org/Page.asp?NavID=361>

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From: Jay Derr [<mailto:jpd@vnf.com>]
Sent: Monday, December 30, 2013 3:35 PM
To: Katie Knight
Subject: Coval Plat--request to extend comment and appeal periods

Katie:

From our telephone conversation earlier today, I understand the some of the neighbors and Mr. Aramburu have asked that the City extend the SEPA MDNS appeal period, the preliminary plat comment period and the Planning Commission hearing beyond the dates provided for in the City notices. While, as you and I have discussed previously, we believe that the City's review process has more than satisfied, code, statute and constitutional notice and comment opportunities, on behalf of my clients, we are willing to agree to the following adjustment to the current project review schedule:

1. We ask that the City NOT extend the deadline for SEPA appeal beyond January 6, 2013. This 14-day appeal period is specified by WAC and City code, and we do not believe it is appropriate for the City to simply ignore those statutes of limitations. Project applicants, as well as neighbors, are entitled to some procedural rights and time frame certainty.
2. While we continue to believe that the 60+ days of comment that has already been provided is more than adequate, we are willing to agree to an extension of the written comment deadline on the preliminary plat application to Monday, January 13, at 5 pm, instead of Monday, January 6, at 5 pm. The neighbors characterization of a "massive new document" issued on December 23 is simply not correct. A simple comparison between the conditions identified in the Notice of Application dated November 18 and the MDNS issued on December 23 demonstrates this. I'd further like to point out that the November 18 notice actually elected the optional MDNS process, such that a second round of SEPA comment was not required. Nonetheless, the applicant is willing to agree to a p-plat comment period extension to January 13 at 5 pm.
3. We ask that the Planning Commission hearing be retained on January 15, 2014, and if any SEPA appeal is filed, that appeal be consolidated with the Pplat hearing on January 15. This is consistent with statute and code provisions for a single open-record hearing on the project.
4. Based on our agreement to extend the neighbor's comment deadline to January 13, we do ask in exchange that we be given the right to request an opportunity to submit additional response to those comments, depending on what is submitted by the neighbors. This is appropriate in light of the fact that the applicant bears the burden of demonstrating support for the preliminary plat approval, and would, therefore, ordinarily be given a reasonable opportunity for rebuttal. While we certainly expect to be able to fully respond to issues raised at the PC hearing on the 15th, until we see what is submitted, if anything, we feel the need to make this request as part of our agreement to an extension for the neighbors, since otherwise we would have only two days (as compared to 9 days) to prepare responses.

I hope this concession enables the City to strike an appropriate balance between the neighbors requests and recognition that it is simply time for the City to complete its review of this proposal against relevant legal requirements. We also hope that all parties recognize the applicants agreement to yet another extension and opportunity for comment is a good faith effort to ensure that the City can fully address City code requirements as applied to the proposal. Moving on to the Planning Commission and City Council are the appropriate forums to complete this review and decision, rather than repeated requests for more time, more process, more comment before getting to those public hearing and public meeting forums for review.

Thank you for your inquiry. Please advise us as to what the City ultimately decides to do with these scheduling requests.

Jay P. Derr | Managing Partner, Seattle

**VanNess
Feldman LLP**

719 Second Avenue, Suite 1150
Seattle, Washington 98104-1728

(206) 623-9372 | jpd@vnf.com | vnf.com

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Shana Crick

From: Carol [carol@aramburu-eustis.com]
Sent: Friday, January 03, 2014 4:52 PM
To: Shana Crick
Cc: Katie Knight; rick@aramburu-eustis.com
Subject: Coval proposed plat (SUB13-009++)
Attachments: 2014-1-3 Request to Shana.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Please see attached correspondence from Mr. Aramburu.

Carol Cohoe
ARAMBURU & EUSTIS, LLP
720 Third Avenue
Pacific Building Suite 2000
Seattle, WA 98104
Telephone (206) 625-9515
Facsimile (206) 682-1376

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ARAMBURU & EUSTIS, LLP

Attorneys at Law

J. Richard Aramburu
rick@aramburu-eustis.com
Jeffrey M. Eustis
eustis@aramburu-eustis.com

720 Third Avenue, Suite 2000
Seattle, WA 98104
Tel 206.625.9515
Fax 206.682.1376
www.aramburu-eustis.com

January 3, 2014

Shana Crick, Planner
Development Services Group
City of Mercer Island
9611 S.E. 36th Street
Mercer Island, Washington 98040

Via Email: Shana.Crick@mercergov.org

Re: COVAL PLAT PROPOSAL
City of Mercer Island File Nos. SUB13-009 and SEPA 13-031

Shana:

As you know, I represent residents nearby the proposed Coval plat. We have received notice from the City that a public hearing on the plat will be held on January 14, 2014.

In examining the notice, we note that the hearing will be before the Mercer Island Planning Commission. The notice also includes a section on "Applicable Development Regulations," however, the notice does not indicate that the project will be reviewed under Mercer Island Municipal Code (MIMC) chapter 19.12, which establishes design standards for "regulated improvements" outside of the Town Center area. That chapter also establishes the process and procedures for design review.

MIMC 19.12.010 establishes the "applicability" of design standards as follows:

19.12.010 General.

A. Applicability. This chapter establishes design standards for regulated improvements in all zones established by MIMC 19.01.040, except Town Center. Design standards for Town Center are set forth in Chapter 19.11 MIMC. These standards are in addition to any other standards that may be applicable to development in the zone in which the development occurs.

(Emphasis supplied.) The R-9.6 Zone in which the Coval plat is located is one of the zones established by MIMC 19.01.040.

Under the Definitions section of the code (MIMC 19.16.010), “Regulated Improvements” are defined as follows:

Regulated Improvements: Any development of any property within the city, except:

- 1. Property owned or controlled by the city; or*
- 2. Single-family dwellings and the buildings, structures and uses accessory thereto; or*
- 3. Wireless communications structures, including associated support structures and equipment cabinets*

(Emphasis supplied.) “Development” is similarly broadly defined (MIMC 19.16.010) under the code:

Development:

- 1. A piece of land that contains buildings, structures, and other modifications to the natural environment; or*
- 2. The alteration of the natural environment through:*
 - a. The construction or exterior alteration of any building or structure, whether above or below ground or water, and any grading, filling, dredging, draining, channelizing, cutting, topping, or excavation associated with such construction or modification.*
 - b. The placing of permanent or temporary obstructions that interfere with the normal public use of the waters and lands subject to this code.*
 - c. The division of land into two or more parcels, and the adjustment of property lines between parcels.*

(Emphasis supplied.) As noted, “development” specifically includes the division of land, as proposed by the Coval subdivision, as well as “grading” and “excavation”.

Though the concepts of design review apply to the Coval subdivision, it appears there has not yet been any provision for design review proceedings under Chapter 19.12 and MIMC 19.15.040. MIMC 19.15.040.D specifically provides that:

D. Powers of the Commission.

- 1. No building permit or other required permit shall be issued by the city for any major new construction or minor exterior modification of any regulated improvement without prior approval of the design commission or code official as authorized pursuant to MIMC 19.15.010(E).*

(Emphasis supplied.) Accordingly, please advise when the Coval plat will be submitted to the Design Commission.

There are multiple issues concerning design review standards that must be considered

by the Design Commission for the Coval plat. These issues concern the layout and configuration of lots, setbacks and location of building pads, as well as open space, landscaping and plat amenities. Such features are part of the "appropriate provisions" applicable to plat decisions under RCW 58.17.110. Of particular relevance to the Coval plat are standards that apply to hillside development in MIMC 19.12.020.B:

2. Sloped or Hillside Development.

a. Building development should generally occur on the least steep portions of the site in order to conserve the more fragile areas for landscaping or general open space.

b. Structures built on substantial slopes or hillsides should be designed to minimize their visual impact on surrounding areas. Ridgelines of major slopes should not be broken by structures or loss of vegetative cover. Acceptable methods to integrate structures into the hillside include, but are not limited to, height control, stepped construction, muted earth tone colors, and tree preservation.

Prior to issuance of any approval, the Coval plat must be reviewed and approved by the Design Commission.

Thank you for your attention to this matter.

Sincerely yours,

ARAMBURU & EUSTIS, LLP



J. Richard Aramburu

JRA:cc

cc: Clients

Katie Knight (Katie.Knight@MercerGov.org)

Shana Crick

From: Tim Stewart [tj@writestuf.biz]
Sent: Saturday, January 04, 2014 7:50 AM
To: Shana Crick
Subject: Re: Coval Plat (SUB13-009/SEP13-031) - request to extend comment and appeal periods

Follow Up Flag: Follow up
Flag Status: Flagged

Please forward Project N12 and Project X-6 drawings and specs to Mr Aramburu, Dale Kingman and Dr Dick Ferse. Sue and I are out of the country and will not be back before the stated extension deadline.
Sent from my iPhone

On Dec 30, 2013, at 5:26 PM, Shana Crick <Shana.Crick@mercergov.org> wrote:

Dear J. Richard Aramburu, Sue and T.J. Stewart, and Robert Thorpe,

The City has received your requests to extend the comment period and move back the appeal deadline associated with the Mitigated Determination of Nonsignificance (MDNS) for project number SEP13-031 (Coval plat – SUB13-009). Mercer Island City Code (MICC) sections 19.07.120(T)(2) and 19.15.020(J)(1) specify an appeal period of 14 days for decisions made by the City (including SEPA threshold determinations). This is also supported by WAC 197-11-680(3)(a)(vii). Consequently, the appeal period cannot, as required by the cited regulations, be extended beyond 14 days. However, the comment period associated with the MDNS will be extended to 5:00 PM on Monday, January 13, 2014. Furthermore, the public hearing date will remain as scheduled for January 15, 2014 at 7:00 PM.

Please see the comments from the applicant's counsel below, which address the extension requests.

Thank you,
Shana Crick

Shana Crick
Senior Planner
City of Mercer Island Development Services Group
9611 SE 36th Street
Mercer Island, WA 98040-3732
Phone: 206-275-7732; Fax: 206-275-7726
shana.crick@mercergov.org

View the status of permits at www.mybuildingpermit.com
View information for a geographic area at <http://pubmaps.mercergov.org>
View application and other zoning information at <http://www.mercergov.org/Page.asp?NavID=361>

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From: Jay Derr [<mailto:jpd@vnf.com>]
Sent: Monday, December 30, 2013 3:35 PM

To: Katie Knight

Subject: Coval Plat--request to extend comment and appeal periods

Katie:

From our telephone conversation earlier today, I understand the some of the neighbors and Mr. Aramburu have asked that the City extend the SEPA MDNS appeal period, the preliminary plat comment period and the Planning Commission hearing beyond the dates provided for in the City notices. While, as you and I have discussed previously, we believe that the City's review process has more than satisfied, code, statute and constitutional notice and comment opportunities, on behalf of my clients, we are willing to agree to the following adjustment to the current project review schedule:

1. We ask that the City NOT extend the deadline for SEPA appeal beyond January 6, 2013. This 14-day appeal period is specified by WAC and City code, and we do not believe it is appropriate for the City to simply ignore those statutes of limitations. Project applicants, as well as neighbors, are entitled to some procedural rights and time frame certainty.
2. While we continue to believe that the 60+ days of comment that has already been provided is more than adequate, we are willing to agree to an extension of the written comment deadline on the preliminary plat application to Monday, January 13, at 5 pm, instead of Monday, January 6, at 5 pm. The neighbors characterization of a "massive new document" issued on December 23 is simply not correct. A simple comparison between the conditions identified in the Notice of Application dated November 18 and the MDNS issued on December 23 demonstrates this. I'd further like to point out that the November 18 notice actually elected the optional MDNS process, such that a second round of SEPA comment was not required. Nonetheless, the applicant is willing to agree to a p-plat comment period extension to January 13 at 5 pm.
3. We ask that the Planning Commission hearing be retained on January 15, 2014, and if any SEPA appeal is filed, that appeal be consolidated with the Pplat hearing on January 15. This is consistent with statute and code provisions for a single open-record hearing on the project.
4. Based on our agreement to extend the neighbor's comment deadline to January 13, we do ask in exchange that we be given the right to request an opportunity to submit additional response to those comments, depending on what is submitted by the neighbors. This is appropriate in light of the fact that the applicant bears the burden of demonstrating support for the preliminary plat approval, and would, therefore, ordinarily be given a reasonable opportunity for rebuttal. While we certainly expect to be able to fully respond to issues raised at the PC hearing on the 15th, until we see what is submitted, if anything, we feel the need to make this request as part of our agreement to an extension for the neighbors, since otherwise we would have only two days (as compared to 9 days) to prepare responses.

I hope this concession enables the City to strike an appropriate balance between the neighbors requests and recognition that it is simply time for the City to complete its review of this proposal against relevant legal requirements. We also hope that all parties recognize the applicants agreement to yet another extension and opportunity for comment is a good faith effort to ensure that the City can fully address City code requirements as applied to the proposal. Moving on to the Planning Commission and City Council are the appropriate forums to complete this review and decision, rather than repeated requests for more time, more process, more comment before getting to those public hearing and public meeting forums for review.

Thank you for your inquiry. Please advise us as to what the City ultimately decides to do with these scheduling requests.

Jay P. Derr | Managing Partner, Seattle

VanNess

Feldman LLP

719 Second Avenue, Suite 1150
Seattle, Washington 98104-1728

(206) 623-9372 | jpd@vnf.com | vnf.com

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EXHIBIT 82

Shana Crick

From: Shana Crick
Sent: Wednesday, January 08, 2014 10:55 AM
To: 'Tim Stewart'
Cc: Katie Knight; Patrick Yamashita; 'rick@aramburu-eustis.com'; 'Richard, Deborah Ferse'; 'dkingman@gordontilden.com'
Subject: RE: Coval Plat (SUB13-009/SEP13-031) - request to extend comment and appeal periods

The referenced projects are in the City's adopted Pedestrian and Bicycle Plan (<http://www.mercergov.org/files/MI%20PBF%2007012010%20web.pdf>). Please see the table of projects.

Thanks,
Shana

Shana Crick
Senior Planner
City of Mercer Island Development Services Group
9611 SE 36th Street
Mercer Island, WA 98040-3732
Phone: 206-275-7732; Fax: 206-275-7726
shana.crick@mercergov.org

View the status of permits at www.mybuildingpermit.com
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From: Tim Stewart [mailto:tj@writestuf.biz]
Sent: Saturday, January 04, 2014 7:50 AM
To: Shana Crick
Subject: Re: Coval Plat (SUB13-009/SEP13-031) - request to extend comment and appeal periods

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Sent from my iPhone

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Thank you,
Shana Crick

Shana Crick
Senior Planner
City of Mercer Island Development Services Group
9611 SE 36th Street
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shana.crick@mercergov.org

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Sent: Monday, December 30, 2013 3:35 PM
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1. We ask that the City NOT extend the deadline for SEPA appeal beyond January 6, 2013. This 14-day appeal period is specified by WAC and City code, and we do not believe it is appropriate for the City to simply ignore those statutes of limitations. Project applicants, as well as neighbors, are entitled to some procedural rights and time frame certainty.
2. While we continue to believe that the 60+ days of comment that has already been provided is more than adequate, we are willing to agree to an extension of the written comment deadline on the preliminary plat application to Monday, January 13, at 5 pm, instead of Monday, January 6, at 5 pm. The neighbors characterization of a "massive new document" issued on December 23 is simply not correct. A simple comparison between the conditions identified in the Notice of Application dated November 18 and the MDNS issued on December 23 demonstrates this. I'd further like to point out that the November 18 notice actually elected the optional MDNS process, such that a second round of SEPA comment was not required. Nonetheless, the applicant is willing to agree to a p-plat comment period extension to January 13 at 5 pm.
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Thank you for your inquiry. Please advise us as to what the City ultimately decides to do with these scheduling requests.

Jay P. Derr | Managing Partner, Seattle

**VanNess
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EXHIBIT 83

Shana Crick

From: Shana Crick
Sent: Thursday, January 09, 2014 2:46 PM
To: 'Carol'
Cc: Katie Knight; 'rick@aramburu-eustis.com'
Subject: RE: Coval proposed plat (SUB13-009++)

Dear Mr. Aramburu,

In response to your letter from January 3, 2014, design review is not applicable to long plats. MICC 19.15.040(C)(3) establishes that the Design Commission's role in administering the development code is "governed by Chapter 3.34 MICC and MICC 19.15.040." MICC 19.15.040(F)(b) specifies the scope of the Design Commission by stating "No building permit or other required permit shall be issued by the city for any major new construction or minor exterior modification of any regulated improvement without prior approval of the design commission or code official as authorized pursuant to MICC 19.15.010(E)." MICC 19.16.010(M) defines "major new construction" as "construction from bare ground or an enlargement or alteration that changes the exterior of an existing structure that costs in excess of 50 percent of the structure's assessed value. Single-family development is excluded from this definition." As you noted in your January 3, 2014 letter, subdivisions are included within the definition of "development."

Thanks,
Shana

Shana Crick
Senior Planner
City of Mercer Island Development Services Group
9611 SE 36th Street
Mercer Island, WA 98040-3732
Phone: 206-275-7732; Fax: 206-275-7726
shana.crick@mercergov.org

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From: Carol [<mailto:carol@aramburu-eustis.com>]
Sent: Friday, January 03, 2014 4:52 PM
To: Shana Crick
Cc: Katie Knight; rick@aramburu-eustis.com
Subject: Coval proposed plat (SUB13-009++)

Please see attached correspondence from Mr. Aramburu.

Carol Cohoe
ARAMBURU & EUSTIS, LLP
720 Third Avenue
Pacific Building Suite 2000
Seattle, WA 98104
Telephone (206) 625-9515

Facsimile (206) 682-1376

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EXHIBIT 84

Shana Crick

From: Philip Wang [philw1290@gmail.com]
Sent: Sunday, January 12, 2014 10:01 PM
To: Shana Crick
Subject: Comments on MDNS for Application# SEP13-031 and SUB13-009
Attachments: Comments on MDNS for Application.docx

Follow Up Flag: Follow up
Flag Status: Flagged

HI Shana,

Attached please find my comment on MDNS.

Thank you

Philip Wang

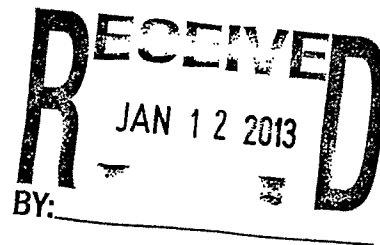


EXHIBIT 84

Project Nos.: SUB13-009/SEP13-031

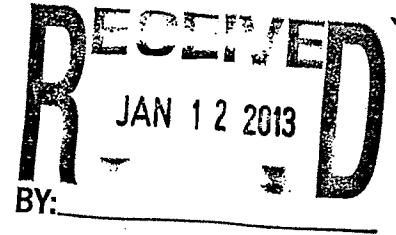
Project Name: Coval Preliminary Long Plat

Project Address: 3051 84th Avenue SE

Comments on MDNS for Application# SEP13-031 and SUB13-009

January 12, 2014

Shana Crick, Senior Planner
City of Mercer Island



Dear Shana,

My house is located on 8230 SE 30th Street, adjacent to the recently developed Sunset Development by RKK. During public hearing, I repressed many concerns which were deemed by the City non-significance, the actual experience was quite the opposite. The issues are listed below.

Environmental: during development, I couldn't use my balcony during summer months. The view from my balcony was green vegetation prior to land development, it was piles of dirt during construction. Windy days would generate dusty conditions, which would create undesirable conditions for using the balcony, and all windows on west side of my house were closed to reduce dust entering my home. The silt fence on property line was often damaged by wind and was not properly maintained by the contractor, which resulted contraction debris blown over to my property. The only way to properly contain the dust is to surround the construction site with approximately 30' tall dust fence with sprinkler, cover dirt piles and water exposed dirt surfaces with water truck during dry seasons or neighboring house will need to bear the consequence of dusty environment.

Noise: frequent noise violation prior to 7am, which resulted many of my complaints to the MIPD and the code compliance officer. Construction crews would generate additional noise by playing loud music. The City's noise restriction hours are between 10pm-7am, which means nearby residents cannot enjoy a peaceful evening until after 10pm for the duration of development. Noise violations repeated despite my complaints and city official warnings, for unknown reasons, the code compliance officer was reluctant to shut down the construction site for repeated noise violations.

Traffic Safety: construction parking along SE 30th Street created unsafe driving / walking conditions. Parked vehicles would often restrict the line of sight to just a few feet and limiting the already narrow street to single lane traffic; construction parking further reduces parking availability to residents. SE 30th Street is used by many children, especially during school on-off hours, construction parking creates hazardous condition for pedestrians. Large trailer parking along 84th Ave SE also created unsafe condition due to partial encroachment by the trailer on to the street and reducing the line of sight. Contractor never had flagman to direct the traffic. Developer should have a plan to transport crews to the site and not allow construction parking on the streets. City permit should be obtained if trailer needs to block streets and flagger must be used to safely direct traffic.

Neighborhood Characteristic: My view of the neighboring land used to be fruit trees and lush vegetation, now a house approximately 10 feet away and I am looking directly into my neighbor, my blinds on the west side are now always closed for privacy.

Construction Damage: My sprinkler pipe was discovered damaged when activated during summer; the damaged pipe was just a few feet from the property line of the land being developed. Bolts punctured my vehicle tire on 3 different occasions during the land development period. I had to pay the repair cost out of my pocket since no one actually saw the construction crew punctured the sprinkler pipe and carelessly dropped some metal hardware creating road hazard. A window was broken during Nov. 2011 which I witnessed and confronted the crew and was compensated. My experience was nearby residents take on the risk of construction damages, not the developer.

The above are only a few issues that directly impacted my day-to-day life, not to mention reduced wildlife habitat and environmental impacts of storm water run-off, reduced green space, increase in vehicular traffic etc.

Sunset Development consists only 5 homes, development of 18 homes would more than triple the issues I have experienced. Furthermore, an out of town developer who has no long term interests in the well being of our neighborhood will not prioritize in maintaining community relationship.

Sincerely

Philip Wang
8230 SE 30th Street
Mercer Island, WA 98040
Philw1290@gmail.com

EXHIBIT 85

RECEIVED
JAN 13 2013
BY: _____

ARAMBURU & EUSTIS, LLP

Attorneys at Law

J. Richard Aramburu
rick@aramburu-eustis.com
Jeffrey M. Eustis
eustis@aramburu-eustis.com

720 Third Avenue, Suite 2000
Seattle, WA 98104
Tel 206.625.9515
Fax 206.682.1376
www.aramburu-eustis.com

January 10, 2014

Chairperson Adam Cooper
City of Mercer Island Planning Commission
c/o Principal Planner, George Steirer
9611 SE 36th Street
Mercer Island, WA 98040

Via Email, c/o:
George.Steirer@mercergov.org
Ali.Spitz@mercergov.org

Re: Coval Plat Application File Nos. SUB13-009, SEP13-031 (and CAO13-002)
3051 84th Avenue SE

Dear Chairperson:

This office represents a committee of neighbors interested in the Coval Plat, which is scheduled to be heard before the Mercer Island Planning Commission at 7 p.m. on Wednesday, January 15, 2014.

My clients have prepared an organized presentation which will discuss several of the main issues presented by the Coval Plat application. The presentation will include several witnesses with professional expertise, as well as neighborhood residents that have prepared testimony on specific topics. We request that the Planning Commission allow my clients a block of time to make our presentation to the Commission. We anticipate approximately seven speakers and request 45 minutes to present our material. My clients believe this will allow an efficient presentation and encourage other speakers to avoid repetition of subject matter presented by our committee members and professionals.

Thank you for consideration of our request. If possible, please advise in advance of the hearing whether the Commission will accommodate our request. My clients and I look forward to the opportunity to present their views to the Planning Commission on this important matter.

Sincerely yours,

ARAMBURU & EUSTIS, LLP


J. Richard Aramburu

JRA:cc
cc: Clients
Shana Crick

EXHIBIT 85

Project Nos.: SUB13-009/SEP13-031

Project Name: Coval Preliminary Long Plat

Project Address: 3051 84th Avenue SE

EXHIBIT 86

Shana Crick

From: Christine Acker [christine_acker@hotmail.com]
Sent: Monday, January 13, 2014 1:29 PM
To: Shana Crick
Subject: SUB - 13-009 & SEP 13-031 ADDRESS 3051 84TH AVE SW

Shana, The below email reflect my concerns and comments about the proposed development of the Coval Property.

I'm emailing you because of my increasing lack of concern and forethought to the development and subdividing of the Alexander/Coval proerty. The house and property are world class masterpieces. The heritage orchard with over 50 fruit trees are the last of their kind on the island reflecting Mercer Island's pioneers and agricultural past. According the website www.covalhouse.com, there are heritage apple trees that have yet to be identified. Has this house and property been properly assessed for historical or cultural significance. The orchard is over 100 years old and has heirloom fruits planted by one of Mercer Island's founder David Alexander. The current house is published in books showing the many types of wood inside the home that are no longer available for export in the United States. The lot is described in detail in the book "IMAGES OF AMERICA – MERCER ISLAND" as one of the founding homes.

Please let me know your thoughts on these matters as they relate to the permit to subdivide.

Thank you

Christine Acker

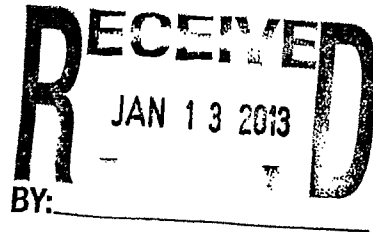


EXHIBIT 86

Project Nos.: SUB13-009/SEP13-031

Project Name: Coval Preliminary Long Plat

Project Address: 3051 84th Avenue SE

Shana Crick

From: Christine Acker [christine_acker@hotmail.com]
Sent: Monday, January 13, 2014 1:30 PM
To: Shana Crick
Subject: FW: SUB - 13-009 & SEP 13-031 ADDRESS 3051 84TH AVE SW

I want these comments entered in today as I know about the deadline at 5pm. My internet connection is out on the southend, so please call me. 206-225-0351

From: Christine Acker [mailto:christine_acker@hotmail.com]
Sent: Monday, January 13, 2014 1:29 PM
To: 'shana.crick@mercergov.org'
Subject: SUB - 13-009 & SEP 13-031 ADDRESS 3051 84TH AVE SW

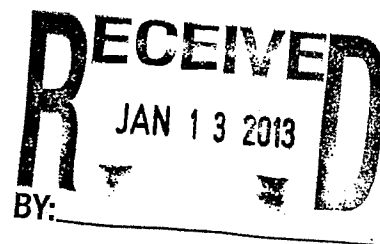
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Thank you

Christine Acker



Shana Crick

From: Christine Acker [christine_acker@hotmail.com]
Sent: Monday, January 13, 2014 1:31 PM
To: Shana Crick
Subject: SUB - 13-009 & SEP 13-031 ADDRESS 3051 84TH AVE SW

Shana, The below email reflect my concerns and comments about the proposed development of the Coval Property.

I'm emailing you because of my increasing lack of concern and forethought to the development and subdividing of the Alexander/Coval property. The house and property are world class masterpieces. The heritage orchard with over 50 fruit trees are the last of their kind on the island reflecting Mercer Island's pioneers and agricultural past. According the website www.covalhouse.com, there are heritage apple trees that have yet to be identified. Has this house and property been properly assessed for historical or cultural significance. The orchard is over 100 years old and has heirloom fruits planted by one of Mercer Island's founder David Alexander. The current house is published showing the many types of wood inside the home that are no longer available for export in the United States. The lot is described in detail in the book "IMAGES OF AMERICA – MERCER ISLAND" as one of the founding homes.

Please let me know your thoughts on these matters as they relate to the permit to subdivide.

Thank you

Christine Acker

RECEIVED
JAN 13 2013
BY: _____

EXHIBIT 87

RECEIVED
JAN 13 2013
BY: _____

Shana Crick

From: Justin and Jaime [jayisee@gmail.com]
Sent: Monday, January 13, 2014 3:48 PM
To: Shana Crick
Subject: Re: Planning Commission packet for January 15, 2014 meeting (Coval public hearing - SUB13-009)

Hi Shana

I'd like to make one further comment that others may have made, but that does not appear to be mentioned in the planning commissions report.

This concerns the proposed width modifications of 84th Ave SE and how it might be impacted by parking. If I have this right, there will be no street parking within the long plat development. From the looks of things, the driveways will not be much bigger than 1 car deep and 2 cars wide. From Wes' mouth, these houses are targeted at empty nesters. But whether they are empty nesters or more likely families of 4, there are bound to be large gatherings, especially during the holidays. Where it wouldn't be a surprise if 4 or 5 cars are present (2 for the homeowners and 2-3 for guests). But that 5th car, and most likely the 3rd and 4th car will have no where to park. Are they expected to park on the newly paved gravel shoulder? 84th is already narrow enough that two cars have to drive past each other cautiously. If you now have a 3rd car parked partially on that street, things could get very dangerous, especially when you're driving on a rainy winter night up that road trying to avoid the side of the road and the oncoming car, all while being blinded by said oncoming SUV's glaring headlights. Even with the current road width, this is pretty harrowing, but once you have cars parked on the side because there's no parking inside the plat, it's going to become all the more dangerous. Especially if there are pedestrians that are at the same time circumnavigating the parked cars by way of using the road.

Please keep this in consideration and I hope that there is a good plan to avoid potential disaster.

-Justin Deng

On Mon, Jan 13, 2014 at 1:42 PM, Shana Crick <Shana.Crick@mercergov.org> wrote:

To whom it may concern:

You are receiving this email because you have either requested to receive a copy of all Planning Commission agendas, or you are a party of record for the Coval long plat (file nos. SUB13-009 and SEP 13-031). The Planning Commission packet for the January 15, 2014 meeting can be found on the City's website in the locations listed below. Please note that the file is separated into seven parts due to its size. Lastly, this packet was delivered to the Planning Commissioners over the weekend. Consequently, any comments received between Saturday (1/11/2014) and 5:00 PM today (1/13/2014) will be entered into the record by staff during Wednesday's public hearing.

EXHIBIT 87

Project Nos.: SUB13-009/SEP13-031

Project Name: Coval Preliminary Long Plat

Project Address: 3051 84th Avenue SE

Part 1: <http://www.mercergov.org/files/01-15-14PCPacket-Part1.pdf>

Part 2: <http://www.mercergov.org/files/01-15-14PCPacket-Part2.pdf>

Part 3: <http://www.mercergov.org/files/01-15-14PCPacket-Part3.pdf>

Part 4: <http://www.mercergov.org/files/01-15-14PCPacket-Part4.pdf>

Part 5: <http://www.mercergov.org/files/01-15-14PCPacket-Part5.pdf>

Part 6: <http://www.mercergov.org/files/01-15-14PCPacket-Part6.pdf>

Part 7: <http://www.mercergov.org/files/01-15-14PCPacket-Part7.pdf>

Thank you,

Shana Crick

Shana Crick

Senior Planner

City of Mercer Island Development Services Group

9611 SE 36th Street

Mercer Island, WA 98040-3732

Phone: [206-275-7732](tel:206-275-7732); Fax: [206-275-7726](tel:206-275-7726)

shana.crick@mercergov.org

View the status of permits at www.mybuildingpermit.com

View information for a geographic area at <http://pubmaps.mercergov.org>

View application and other zoning information at <http://www.mercergov.org/Page.asp?NavID=361>

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EXHIBIT 88

Shana Crick

From: Carol [carol@aramburu-eustis.com]
Sent: Monday, January 13, 2014 4:04 PM
To: Shana Crick
Cc: rick@aramburu-eustis.com
Subject: Coval proposal
Attachments: 2014-01-13 MDNS comments to MI&Shana.pdf

Attached are Mr. Aramburu's MDNS comments on the Coval plat on behalf of island clients.

Carol Cohoe
ARAMBURU & EUSTIS, LLP
720 Third Avenue
Pacific Building Suite 2000
Seattle, WA 98104
Telephone (206) 625-9515
Facsimile (206) 682-1376

This message may be protected by the attorney-client and/or work product privilege. If you received this message in error please notify us and destroy the message. Thank you.

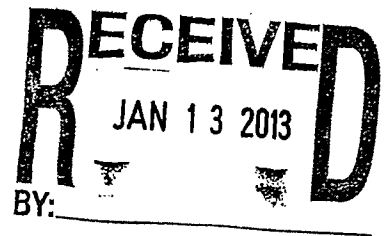
RECEIVED
JAN 13 2013
BY: _____

EXHIBIT 88

Project Nos.: SUB13-009/SEP13-031

Project Name: Coval Preliminary Long Pl

Project Address: 3051 84th Avenue SE



ARAMBURU & EUSTIS, LLP

Attorneys at Law

J. Richard Aramburu
rick@aramburu-eustis.com
Jeffrey M. Eustis
eustis@aramburu-eustis.com

720 Third Avenue, Suite 2000
Seattle, WA 98104
Tel 206.625.9515
Fax 206.682.1376
www.aramburu-eustis.com

January 13, 2014

Shana Crick, Planner
Development Services Group
City of Mercer Island
9611 S.E. 36th Street
Mercer Island, Washington 98040

Via Email: Shana.Crick@mercergov.org

Re: Coval Plat: City of Mercer Island File Nos. SUB13-009 and SEP13-031 MDNS

Shana:

As you know, this office represents several residents who are concerned with the Coval Plat.

On December 23, 2013, the City issued an MDNS for this proposal, setting a comment deadline of January 6, 2014. On behalf of my clients I submitted a request for an extension of that time period for two weeks because two major holidays fell within the comment period, Christmas and New Year's. Our request was denied; the only concession being an additional period for the submission of comment on the MDNS.

In addition, my clients have asked the applicants for this subdivision to provide us access to the site to check on the contents of the MDNS and the various reports provided to the City. We agreed that all visits could be supervised by the property owners and that minimal site disturbance would take place, modest hand dug test pits to check on subsurface conditions. This request was first made in early December and renewed on January 2nd (about 10 days ago). Unfortunately, the property owner has refused our requests. The obstinacy of the owner has limited our ability to respond to the MDNS.

Through a letter from me dated December 3, 2013, my clients have provided comments on the environmental impacts of the proposal. Most of these comments have been either ignored or rejected by the City in the MDNS issued. We ask that you further review these comments.

Our specific comments today are as follows.

First, at page 3 of the MDNS, you rely on the Pedestrian and Bicycle Plan. However, comments to that plan make clear the concerns and needs along 84th:

84th Ave. SE, north of ICW

- Family with young kids finds 84th a nice street to bike on.
- North end of 84th, where street turns west, not safe for bikes.
- Presbyterian church and large pre-school facility in block south of SE 36th between 84th and ICW
 - draws a lot of families and a lot of foot traffic.
- High school kids walk up 86th/36th/84th/~28th to get to downtown after school.
- SE 36th is connector between ICW and 84th, routes to high school and pool.
- 84th Ave. is heavily traveled, needs a shared path, anything that would make it easier for people to use (provide connection to North Mercer Way).
- Area of 86th SE and 84th SE, north of SE 40th, needs sidewalks for kids' safety.
- Provide sidewalk or permeable path along 84th Ave SE, between SE 30th and SE 39th.

(Emphasis supplied.) These comments were taken into account for project N18, N19 and N20, all of which recommended "street and pedestrian improvements."

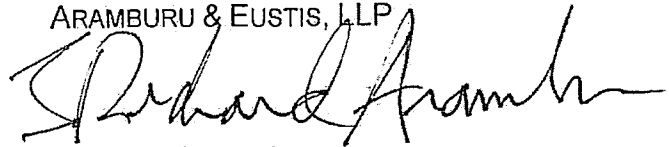
Second, the MDNS seems to suggest that a stair project referenced as N12 will resolve pedestrian issues. However, that project is virtually unbuildable due to it being on a very steep slope.

Third, a gravel shoulder on 84th Avenue SE is proposed to alleviate internal parking limitations, but that will create sight distance issues and force pedestrians into the street. No estimate is provided as to the number of cars that could be parked in this location.

Thank you for your opportunity to comment on these aspects of the MDNS. My clients continue to urge the preparation of an EIS for this proposal:

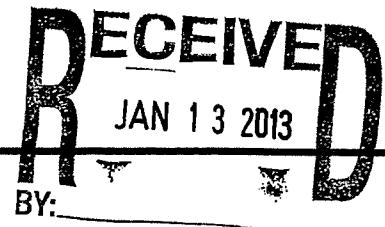
Sincerely yours,

ARAMBURU & EUSTIS, LLP



J. Richard Aramburu

EXHIBIT 89



Shana Crick

From: Chris Moore [cmoore@preservewa.org]
Sent: Monday, January 13, 2014 4:55 PM
To: Shana Crick
Cc: Katie Knight; George Steirer; Scott Greenberg
Subject: RE: Planning Commission packet for January 15, 2014 meeting (Coval public hearing - SUB13-009)

Shana,

Thank you for sending the packet of information related to the Coval long plat. I have been in meetings all afternoon and am just now receiving it. As such, these comments are being submitted without the benefit of having reviewed the staff report and other supporting documentation. I do appreciate the complexity of this issue and understand all are working very hard to meet deadlines, prepare reports, etc. And I also appreciate that the comment period has been extended by one week for this proposal. That said, it is difficult to provide meaningful, substantive comments when there is only a three-hour differential from the release of the staff report to the comment deadline.

Please include the following comments in the public record:

The Washington Trust for Historic Preservation is a statewide, 501c3 advocacy group dedicated to safeguarding historic and cultural resources across Washington. With regard to the City of Mercer Island's MDNS issued for this project, our concern is with the SEPA Checklist as submitted to the city. Section B of the checklist includes Question 13, which addresses historic and cultural resources. Specifically, Question 13.b. asks applicants to "Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site." The project applicant responded in the negative, stating "None exist on the subject property."

The property does contain a 1950s era residence that has witnessed alterations over time. These alterations include fine carpentry, metalwork and woodwork that has, over time, imbued a significance to the property not seen in many places. The additions were well executed, implemented by crafts persons of the highest capacity, and have, over time, taken on an important significance. Yet in speaking with city planning staff, it was noted that there was no assessment conducted to determine whether the house possesses qualities that would deem it historic by virtue of being eligible for inclusion in a national, state or local register. Until such an assessment can be made, it is presumptuous to indicate that no historic resources are present at the site.

In the same light, the site contains elements of an orchard connected to the early period of Euro-settlement on Mercer Island. Yet again, no formal assessment has been conducted to determine which of these elements may constitute a cultural landscape. Until such an assessment is completed, it is simply not known if one exists.

Given the above, the Washington Trust feels it would be premature to approve the subdivision of the parcel into single family lots at this time. Following an assessment as described above, if historic elements are found to be at the site, mitigation measures should be included in the MDNS just as they were for parking, grading, and other site elements.

As both the comment period and the appeal period for the MDNS has passed, the only recourse is to prevail upon the City Council to mandate investigation of historic elements on site and, if they are found, to require mitigation.

Thank you for the opportunity to comment.

Sincerely,
Chris

CHRIS MOORE | EXECUTIVE DIRECTOR

EXHIBIT 89

Project Nos.: SUB13-009/SEP13-031

Project Name: Coval Preliminary Long Plat

Project Address: 3051 84th Avenue SE

WASHINGTON TRUST FOR HISTORIC PRESERVATION
STIMSON-GREEN MANSION
1204 MINOR AVENUE
SEATTLE, WA 98101
206.624.9449 (O)
206.930.5067 (C)
206.624.2410 (F)
cmoores@preservewa.org
www.preservewa.org

EXHIBIT 90

Project Nos.: SUB13-009/SEP13-031

Project Name: Coval Preliminary Long Plat

Project Address: 3051 84th Avenue SE

RECEIVED

JAN 14 2014

CITY OF MERCER ISLAND
DEVELOPMENT SERVICES

EXHIBIT 90

ARAMBURU & EUSTIS, LLP

Attorneys at Law

J. Richard Aramburu

rick@aramburu-eustis.com

Jeffrey M. Eustis

eustis@aramburu-eustis.com

720 Third Avenue, Suite 2000

Seattle, WA 98104

Tel 206.625.9515

Fax 206.682.1376

www.aramburu-eustis.com

January 10, 2014

Chairperson Adam Cooper

City of Mercer Island Planning Commission

c/o Principal Planner, George Steirer

9611 SE 36th Street

Mercer Island, WA 98040

Via Email, c/o:

George.Steirer@mercergov.org

Ali.Spietz@mercergov.org

Re: Coval Plat Application File Nos. SUB13-009, SEP13-031 (and CAO13-002)
3051 84th Avenue SE

Dear Chairperson:

This office represents a committee of neighbors interested in the Coval Plat, which is scheduled to be heard before the Mercer Island Planning Commission at 7 p.m. on Wednesday, January 15, 2014.

My clients have prepared an organized presentation which will discuss several of the main issues presented by the Coval Plat application. The presentation will include several witnesses with professional expertise, as well as neighborhood residents that have prepared testimony on specific topics. We request that the Planning Commission allow my clients a block of time to make our presentation to the Commission. We anticipate approximately seven speakers and request 45 minutes to present our material. My clients believe this will allow an efficient presentation and encourage other speakers to avoid repetition of subject matter presented by our committee members and professionals.

Thank you for consideration of our request. If possible, please advise in advance of the hearing whether the Commission will accommodate our request. My clients and I look forward to the opportunity to present their views to the Planning Commission on this important matter.

Sincerely yours,

ARAMBURU & EUSTIS, LLP



J. Richard Aramburu

JRA:cc

cc: Clients
Shana Crick

EXHIBIT 91

Shana Crick

From: Katie Knight
Sent: Tuesday, January 14, 2014 2:11 PM
To: bharat_shyam@hotmail.com
Cc: Shana Crick; Kirsten Taylor
Subject: Planning Commission Hearing

Good afternoon—The City Council will be hearing the Coval matter in a quasi-judicial process after the Planning Commission meeting. This means that they sit as judges and cannot have ex parte contacts with proponents or opponents of the project, just like a judge would not be able to hear from parties independently outside the hearing. Under the Appearance of Fairness Doctrine, meetings need not only be fair, but to appear fair. I know that the Councilmembers like to be able to discuss matters with citizens, but this is one area where they are legally obligated to avoid outside contact until the hearing before them is complete.

I'm glad for the opportunity to clear up a misperception—public comment will be allowed for everyone, and everyone will get three minutes to comment. There is no limitation of the time for public comment other than the three minutes. Thus, if ten people want to comment, there will be thirty minutes allowed in total for that. If twenty people, each will have three minutes and the public comment portion will be one hour in total. The applicant is allotted time for their presentation, and then the Commission can ask questions of them or staff. Hopefully that clears up the concern that there might not be ample time for public comment.

Please call me if you would like any additional clarification on the Appearance of Fairness Doctrine or the process for the Planning Commission hearing tomorrow night. Thank you for letting us know of your concern and allowing me the chance to clear that up.

Katie Knight | City Attorney, City of Mercer Island
P: 206.275.7650 F: 206.275.7663 | www.mercergov.org

EXHIBIT 91

Project Nos.: SUB13-009/SEP13-031

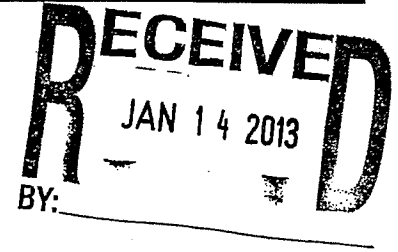
Project Name: Coval Preliminary Long Plat

Project Address: 3051 84th Avenue SE

EXHIBIT 92

Shana Crick

From: Bharat Shyam [bharat_shyam@hotmail.com]
Sent: Tuesday, January 14, 2014 2:14 PM
To: Katie Knight; Sue@writestuf.biz; sue.stewart48@gmail.com
Cc: Shana Crick; Kirsten Taylor
Subject: Re: Planning Commission Hearing



Katie

Thanks for explaining the role played by the City Council. It is great to hear that there will not be artificial limits on the time for feedback.

Thank you for your service to Mercer Island.

Bharat

PS: Adding Sue

Sent from my iPad. Please excuse typos.

On Jan 14, 2014, at 2:10 PM, "Katie Knight" <Katie.Knight@mercergov.org> wrote:

Good afternoon—The City Council will be hearing the Coval matter in a quasi-judicial process after the Planning Commission meeting. This means that they sit as judges and cannot have ex parte contacts with proponents or opponents of the project, just like a judge would not be able to hear from parties independently outside the hearing. Under the Appearance of Fairness Doctrine, meetings need not only be fair, but to appear fair. I know that the Councilmembers like to be able to discuss matters with citizens, but this is one area where they are legally obligated to avoid outside contact until the hearing before them is complete.

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Katie Knight | City Attorney, City of Mercer Island
P: 206.275.7650 F: 206.275.7663 | www.mercergov.org

EXHIBIT 92

Project Nos.: SUB13-009/SEP13-031

Project Name: Coval Preliminary Long Plat

Project Address: 3051 84th Avenue SE

EXHIBIT 93

Shana Crick

From: Katie Knight
Sent: Tuesday, January 14, 2014 2:23 PM
To: Bharat Shyam; Sue@writestuf.biz; sue.stewart48@gmail.com
Cc: Shana Crick; Kirsten Taylor
Subject: RE: Planning Commission Hearing

Thank you—please pass the word or have folks contact me if they think the time will be limited.

Katie Knight | City Attorney, City of Mercer Island
P: 206.275.7650 F: 206.275.7663 | www.mercergov.org

From: Bharat Shyam [mailto:bharat_shyam@hotmail.com]
Sent: Tuesday, January 14, 2014 2:14 PM
To: Katie Knight; Sue@writestuf.biz; sue.stewart48@gmail.com
Cc: Shana Crick; Kirsten Taylor
Subject: Re: Planning Commission Hearing

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Bharat

PS: Adding Sue

Sent from my iPad. Please excuse typos.

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EXHIBIT 93

Project Nos.: SUB13-009/SEP13-031

Project Name: Coval Preliminary Long Plat

Project Address: 3051 84th Avenue SE

Katie Knight | City Attorney, City of Mercer Island
P: 206.275.7650 F: 206.275.7663 | www.mercergov.org

EXHIBIT 94

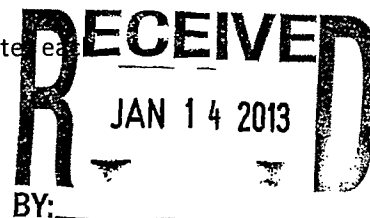
Shana Crick

From: Bharat Shyam [bharat_shyam@hotmail.com]
Sent: Tuesday, January 14, 2014 2:31 PM
To: Katie Knight
Cc: Sue@writestuf.biz; sue.stewart48@gmail.com; Shana Crick; Kirsten Taylor
Subject: Re: Planning Commission Hearing

Yes, I have already informed everyone else on the email thread that we will have 3 minutes each.

Sent from my iPad. Please excuse typos.

On Jan 14, 2014, at 2:23 PM, "Katie Knight" <Katie.Knight@mercergov.org> wrote:



Thank you—please pass the word or have folks contact me if they think the time will be limited.

Katie Knight | City Attorney, City of Mercer Island
P: 206.275.7650 F: 206.275.7663 | www.mercergov.org

From: Bharat Shyam [mailto:bharat_shyam@hotmail.com]
Sent: Tuesday, January 14, 2014 2:14 PM
To: Katie Knight; Sue@writestuf.biz; sue.stewart48@gmail.com
Cc: Shana Crick; Kirsten Taylor
Subject: Re: Planning Commission Hearing

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Sent from my iPad. Please excuse typos.

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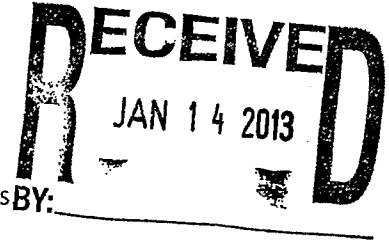
Katie Knight | City Attorney, City of Mercer Island
P: 206.275.7650 F: 206.275.7663 | www.mercergov.org

EXHIBIT 95

Shana Crick

From: Linda Brown [lkb@vnf.com]
Sent: Tuesday, January 14, 2014 2:39 PM
To: Shana Crick
Subject: RE: Coval long plat (SUB13-009)
Attachments: EXHIBIT 12 2013 0502 Watershed Dynamics Wetland-Critical Area Review.PDF

Follow Up Flag: Follow up
Flag Status: Flagged



Hi Shana,

We have Exhibit 12 with the graph attached so am sending it to you for your records BY:

Linda Brown
Legal Assistant to Jay Derr

From: Shana Crick [mailto:Shana.Crick@mercergov.org]
Sent: Tuesday, January 14, 2014 1:52 PM
To: Linda Brown
Subject: Coval long plat (SUB13-009)

Dear Linda,

Please find Exhibit 57 attached.

Thank you,
Shana

Shana Crick
Senior Planner
City of Mercer Island Development Services Group
9611 SE 36th Street
Mercer Island, WA 98040-3732
Phone: 206-275-7732; Fax: 206-275-7726
shana.crick@mercergov.org

View the status of permits at www.mybuildingpermit.com
View information for a geographic area at <http://pubmaps.mercergov.org>
View application and other zoning information at <http://www.mercergov.org/Page.asp?NavID=361>

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EXHIBIT 95

Project Nos.: SUB13-009/SEP13-031

Project Name: Coval Preliminary Long Plat

Project Address: 3051 84th Avenue SE

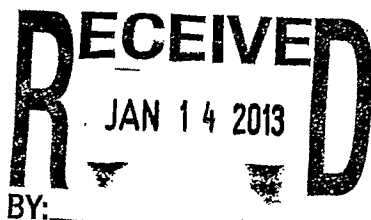


EXHIBIT 12

WATERSHED DYNAMICS

Post Office Box 215, Enumclaw, Washington TEL 360.825.9253 FAX 360.825.9248

DATE:	May 2, 2013	HARD COPY SENT:		YES	X	NO
E-MAIL:	atlin@qwestoffice.net	E-MAIL COPY SENT:	X	YES		NO
TRANSMITTAL	PAGES SENT INCLUDING COVER PAGE:		6			
SUBJECT:	Wetland Review at the Coval Property					
TO:	Mr. Wes Giesbrecht, President Atlin Investments, Inc.					
FROM:	Larry D. Burnstad, Senior Environmental Consultant					
PROJECT NAME:	Critical Areas Review: Coval Property					
PROJECT NUMBER:	Watershed Dynamics Project No. 2013001					

On March 28, 2013 I conducted a field review of the Coval property located at 3051 – 84th Avenue SE, Mercer Island, Washington. The purpose of that review was to determine if there were critical areas located within the property, specifically the presence of a Type 2 Watercourse shown on the City of Mercer Island (City) Watercourse Type Map.

As a result of my field investigation, which included a review of properties south and north of the subject property, I presented my findings in a March 30, 2013 Critical Areas Report. Based on my investigation I determined there was not a Type 2 Watercourse within the Coval property.

I did not report any findings related to other regulated critical areas such as wetlands, fish and wildlife habitat conservation areas, flood hazard areas, or geologic hazard areas. I did not find any evidence of wetlands or fish and wildlife habitat conservation areas within, or in close proximity to, the Coval property. My professional training and expertise qualifies me to evaluate and report on watercourses, wetlands, and fish and wildlife habitat conservation areas.

My March 30, 2013 report was reviewed for the City by the Watershed Company. In their April 17, 2013 memo the Watershed Company indicated concurrence with my findings related to the Type 2 Watercourse. In addition, the memo discussed the presence of a Type 3 Watercourse located east of the subject property in a City park (*see Page 3*) and potential wetlands within the subject property (*see Page 3 and Page 4*).

On Page 5 of their memo, the Watershed Company recommended evaluation of:

1. The "onsite wetland areas in the ravine" originally mapped by the City as a Type 2 Watercourse,
2. A "pond" that is shown in the U.S. Fish and Wildlife Service National Wetland Inventory (NWI) data base as a L1UBHh (Lacustrine, Limnetic, Unconsolidated Bottom, Permanently Flooded Diked/Impounded) wetland, and
3. A Type 3 Watercourse located in the City park east of 84th Avenue SE.

The following is provided in response to those recommendations, starting with the last item first.

ITEM 3: There is a Type 3 Watercourse located on the east side of 84th Avenue SE, but it is actually located further east of the road than shown on the City Watercourse Type Map. The channel is also more than 35 feet east of the east edge of the pavement (84th Avenue SE) and more than 60 feet east of

the east property line of the subject property. Therefore, the presence of the Type 3 Watercourse will not be an issue with respect to any future development of the subject property.

ITEM 2: According to an article copyrighted by David Paul Eck in 2012, the “pond” that appears on the NWI map is a human-made feature. The pond is located at the original site of the 1913 Alexander house and was the wine cellar for that house. In 1948 the Alexander house was removed and the new house was constructed in its present location. The property owners (the Starrs) converted the wine cellar into a swimming pool.

In 1982 when the Coval’s purchased the property, the swimming pool remained until they remodeled the house and added an indoor pool at the west end. Rather than filling the wine cellar/swimming pool, the Coval’s elected to convert the pool into a koi pond.

Using a design created by John Fish (*their indoor pool designer*) the koi pond was constructed using of massive pieces of Hansen Creek Quarry granite, rebar, and gunite,. The water in the pond is circulated and filtered by a pumping system located in an underground vault near the pond.

During my site visit I inspected the outer edge of and looked at the visible pond bottom. I confirmed the structure was a combination of large rock and gunite. I observed several koi in the pond as well as a wide variety of plants within and along the edges of the pond.

CONCLUSION: Based on the article I reviewed and my field observations, I have concluded the “pond” does not meet the criteria required to be a regulated or jurisdictional wetland.

ITEM 1: With respect to the potential wetland noted by the Watershed Company on April 15, 2013 I offer the following:

There are three features (wetland indicators) that must be present for a wetland to be delineated. The indicators are the presence of:

- Hydrophytic (*wetland*) vegetation that is dominant in the vegetative community,
- Hydric soils (*soils that have evolved in the presence of wetland hydrology*), and
- Wetland hydrology (*inundation or saturation in the upper 12 inches of the soil column*), which is present for a minimum of 14 consecutive days during the growing season and under conditions of normal precipitation.

The Coval property is a managed landscape with a majority of the plant species being non-native. There have been gardeners/landscape management personnel present each of the four times I have visited the property. The lawn appeared to be mowed and the flower beds cultivated frequently.

The vegetation in the “ravine”, which is located in the western portion of the subject property, has been and continues to be managed as part of the landscaping within the subject property. Most of the plants in the ravine are non-native plants and not hydrophytic. Two large black cottonwood (*Populus trichocarpa*), some dandelion (*Taraxacum officinale*), and some buttercup (*Ranunculus repens*) were observed. Cottonwood and buttercup are hydrophytic (FACW) species, dandelion is not. None of these species were “dominant” in the ravine. The buttercup was sparse throughout the ravine and the two cottonwood were south of the interior pathway mentioned in the Watershed Company report.

As is the case over the entire property, the bottom of the ravine is weeded and cultivated regularly so there is very little groundcover except in those areas managed for non-native groundcover species. A majority of the bottom of the ravine is covered with leave litter (mulch) to reduce weed growth, although there were some areas of bare ground.

I spoke with one of the landscape maintenance personnel who had worked on the subject property for over 10 years. He indicated much of the soil in the ravine had been augmented with organic compost and sand to enhance plant growth. He also indicated there was an irrigation system along both sides of the ravine that is active throughout the late spring to late fall when there was insufficient precipitation to maintain healthy plants.

Based on my observations and the information regarding the extent of "manipulation" within the ravine any wetland evaluation would have to be conducted using the "Atypical Situations" protocol defined in the 1987 US Army Corps of Engineers Wetland Delineation Manual and the accompanying Supplement for Western Mountains, Valleys, and Coast Region. The protocol are also defined in the 1997 Washington Department of Ecology Wetland Identification and Delineation Manual.

When I visited the site on March 28, 2013 there were no wetland indicators present. I walked through the ravine on the Coval property and did not see what was noted by the Watershed Company south of the internal pathway. The following information is relevant:

- During the 14 days prior to my site visit the observed precipitation at the SeaTac weather station totaled 1.46".
- Normal precipitation total for that time period is reported by the National Oceanographic and Atmospheric Agency (NOAA) to be 1.66".
- The observed precipitation was 88% of normal. Precipitation amounts between 70% and 130% of normal are defined as "normal conditions".

The Watershed Company conducted their site review on April 15, 2013 and reported standing water in the area upslope (south) of the interior pathway.

- During the 14 days prior to my site visit the observed precipitation at the SeaTac weather station totaled 4.54".
- Normal precipitation total for that time period is reported by the National Oceanographic and Atmospheric Agency (NOAA) to be 1.41".
- The observed precipitation was 322% of normal. Precipitation amounts less than 70% or greater than 130% of normal are not within the range defined as "normal conditions".

I visited the site on April 22, 2013 to review the information provided by the Watershed Company. I reviewed the potential wetland area noted in their report and found saturated soil, but did not observed inundation. I excavated a soil pit in the bottom of the ravine approximately 50 feet south of the interior pathway. There was standing water in the pit even with the ground surface.

- During the 14 days prior to my site visit the observed precipitation at the SeaTac weather station totaled 2.60".
- Normal precipitation total for that time period is reported by the National Oceanographic and Atmospheric Agency (NOAA) to be 1.29".
- The observed precipitation was 201.5% of normal. Precipitation amounts less than 70% or greater than 130% of normal are not within the range defined as "normal conditions".

I returned to the site on April 26, 2013 to continue my investigation of the potential wetland reported by the Watershed Company. I was looking for evidence of hydrophytic vegetation, hydric soils, and wetland hydrology. My findings are presented below:

HYDROPHYTIC VEGETATION: The limited vegetation in the bottom of the ravine as well as the lack of vegetation within sampled plot (1 square meter centered on Soil Pit #5) required the use of only two indicators, hydric soils and wetland hydrology, to identify and delineate a wetland.

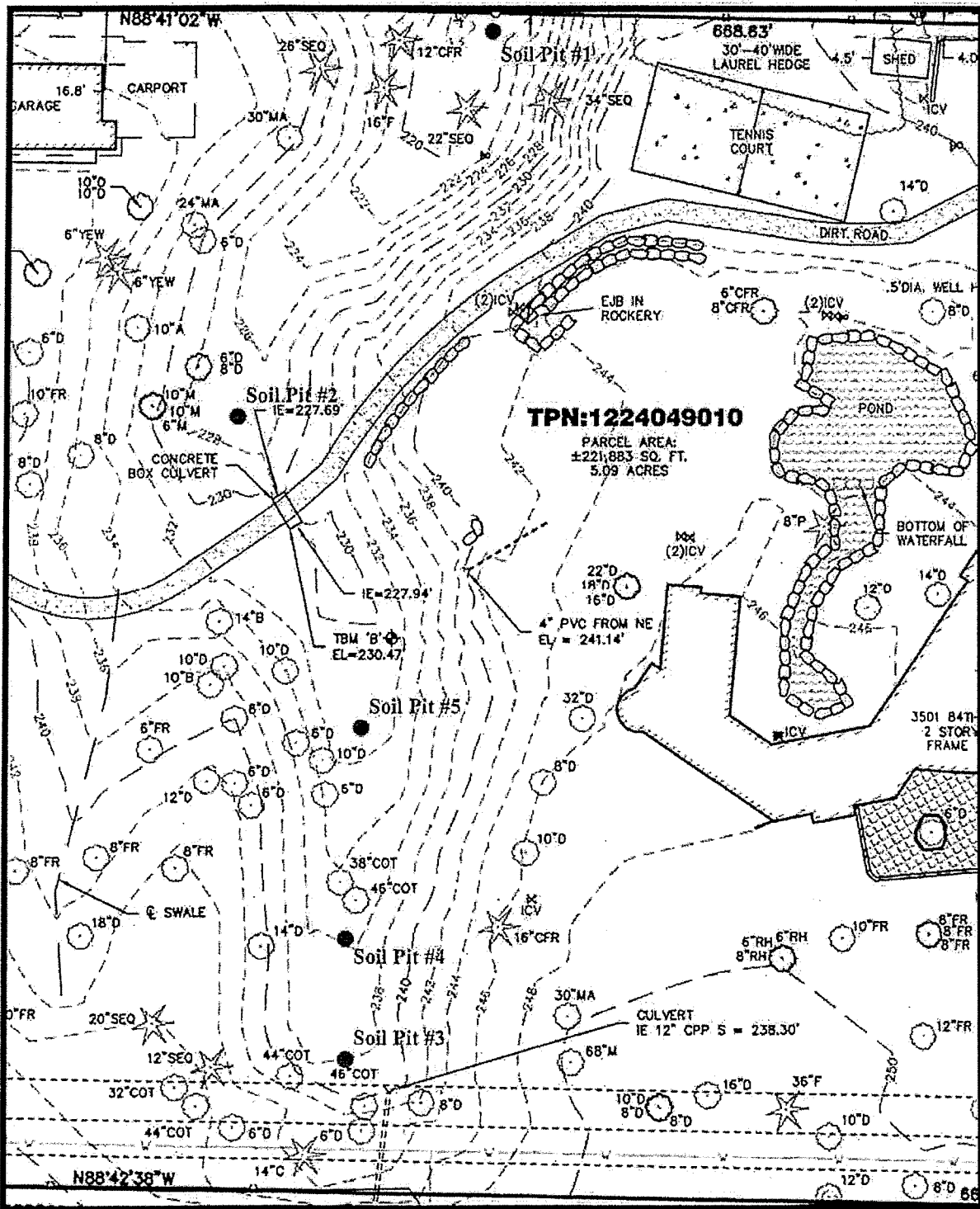


FIGURE 1: Portion of survey completed by Axis Surveying and Mapping 04/12/13

HYDRIC SOILS: I excavated 4 additional soil pits in the bottom of the ravine (*see Figure 1 above*). Two pits were located north of the interior pathway and two were located to the south.

- Soil Pit #1 was located approximately 15 feet south of the inlet to the drainage pipe under the property immediately north of the Coval property.
- Soil Pit #2 was located approximately 20 feet to 25 feet north of the interior pathway.
- Soil Pit #3 was located approximately 40 feet north of the south property line fence in an area where the Watershed Company reported the presence of sediment deposits.
- Soil Pit #4 was located approximately 85 feet north of the south property line fence. This pit was approximately 10 feet south of one of the two large cottonwood trees.
- Soil Pit #5 was located approximately 45 feet south of the interior pathway in the area noted by the Watershed Company as indicative of a potential wetland due to observed standing water.
- NOTE: The soil in Pit #5 was marginally hydric (10YR 3/1+ from 0" to -8" without mottles and 10YR 4/2 from -8" to -16" without mottles).

WETLAND HYDROLOGY: There was no evidence of wetland hydrology in any of the four pits. There was standing water 8 inches below the ground surface when I excavated Soil Pit #5 on April 26, 2013.

- During the 14 days prior to my site visit the observed precipitation at the SeaTac weather station totaled 2.14".
- Normal precipitation total for that time period is reported by the National Oceanographic and Atmospheric Agency (NOAA) to be 1.21".
- The observed precipitation was 177% of normal. Precipitation amounts less than 70% or greater than 130% of normal are not within the range defined as "normal conditions".
- Wetland hydrology was also problematic because there had been greater than normal precipitation during the 14 days preceding each of the April site visits. Precipitation records from October 1, 2012 (beginning of the Water Year) through April 28, 2013 reported total precipitation as 36.06 inches and normal total precipitation 30.76 inches. For the Water Year to date precipitation was 117% of normal, which is within the parameters for "normal conditions" while precipitation prior to the site visits was above normal precipitation.
- Based on the information I have presented above and the graph on the next page, it is my professional judgment that wetland hydrology is not present during "normal conditions" as required for there to be a wetland identified and delineated. As shown on the graph, the near-surface groundwater recedes as the recorded precipitation approaches normal conditions. The trend in the water level line indicates standing water would be below -12 inches when the precipitation reaches normal conditions.

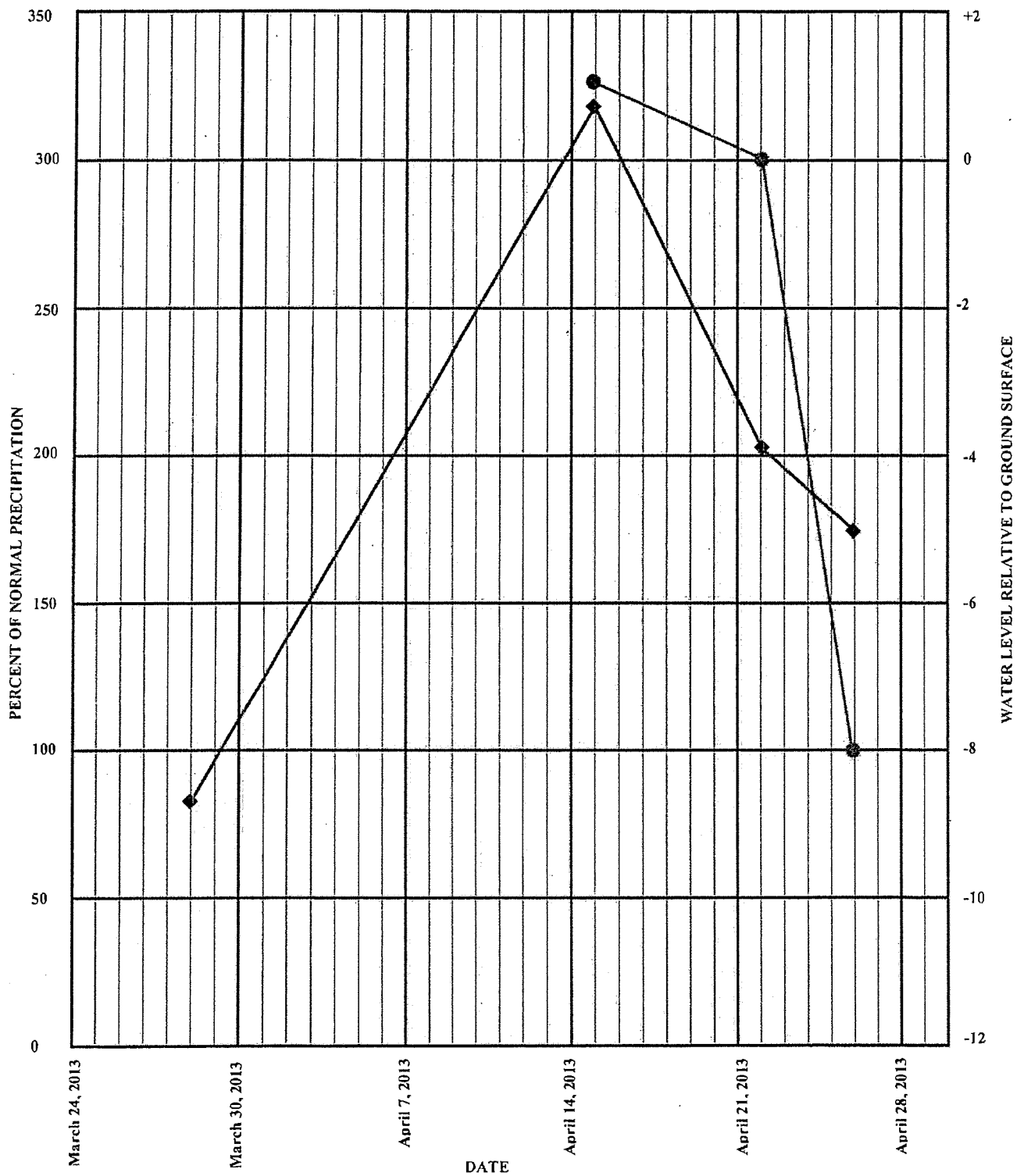
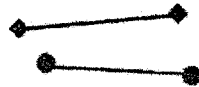


FIGURE 2: Precipitation/Near-surface Groundwater Graph

Percent of Normal Precipitation =

Water Level Relative to Ground Surface =



CONCLUSION

1. Based on my review of the NOAA SeaTac precipitation records I have concluded the standing water observed by the Watershed Company and my observations of the near-surface groundwater in Soil Pit #5, the requirement for wetland hydrology would not be met during periods of "normal precipitation".
2. Groundcover vegetation in the bottom of the ravine was limited (sparse) and the majority of the species present were non-native ornamental plants. There were scattered buttercup and dandelion in the ravine, but neither were the dominant species in any location. The dominant shrub species was Indian plum or Osoberry (*Oemleria cerasiformis*), which is not a hydrophytic species. As noted earlier there were two very large cottonwood south of Soil Pit #5, but their size strongly suggests a deep root system not dependent on near-surface hydrology.
3. The soil characteristics in Soil Pit #5 were marginally hydric, but there was no evidence of iron depletion or concentration typically associated with soils exposed to longer periods of inundation or saturation.
4. The area within the ravine is managed along with the rest of the property to maintain a high quality landscaped environment. This landscape management activity has been ongoing since the Coval's have owned the property.
5. The basin hydrology has been significantly altered by residential development south of the Coval property. There is a stormwater detention vault located immediately south of the Coval property that discharges onto the Coval property approximately 35 feet north of the south property line. The vault is designed to retain most precipitation events and discharges during high volume events.

As previously noted, the observed precipitation during the 14 days prior to the Watershed Company site visit was 322% of normal. It is highly probable the detention vault capacity was surpassed several times during that time period. The flow is concentrated by the 12-inch diameter outflow from the vault and the area surround Soil Pit #5 is the first low area where water could concentrate down slope from the outfall.

The lack of discharge from the vault in the days following the Watershed Company's observations, the water percolated into the soil to the level I observed 11 days later.

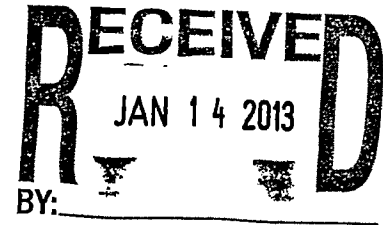
These factors appear to explain the presence of the "sediment deposits" and "standing water" observed by the Watershed Company.

In conclusion, based on my review of the available information (*published and personal communications*) and my field observations, I have determined there are no regulated wetlands in the ravine or in any other location on the Coval property.

EXHIBIT 96

Shana Crick

From: Sue Stewart [Sue@writestuf.biz]
Sent: Tuesday, January 14, 2014 3:03 PM
To: Katie Knight; George Steirer
Cc: Shana Crick; Kirsten Taylor
Subject: RE: Planning Commission Hearing



Katie, Shana, Kirsten and George,

I appreciate Katie Knight's e-mail.

Please oversee the change the verbiage on the **Planning Commission Public Hearing** notice to citizens. It does not say there will be unlimited amounts of time for public comments of 3 minutes each. It says there will be 15 minutes of public comment allotted. It further states the limitation of 3 minutes per person which my math tells me 5 people will be allowed to speak if we are to believe what the attached pubic document states. What is written dampens the spirits of a strong and healthy neighborhood eager to be heard.

<http://www.mercergov.org/Agendas.asp?AMID=2226>

We hope the chairman of the Planning Commission, Adam Cooper has the right to allow additional time to professionals rather than cutting them off in the midst of their presentation. The arbitrary 3 minute rule seems very unfortunate and not in keeping with good governance. I did not see an e-mail for Mr. Cooper listed on the city web site so I would ask that you will forward this e-mail to his attention.

Sincerely,
T.J. and Sue Stewart

From: Katie Knight [mailto:Katie.Knight@mercergov.org]
Sent: Tuesday, January 14, 2014 2:23 PM
To: Bharat Shyam; Sue@writestuf.biz; sue.stewart48@gmail.com
Cc: Shana Crick; Kirsten Taylor
Subject: RE: Planning Commission Hearing

Thank you—please pass the word or have folks contact me if they think the time will be limited.

Katie Knight | City Attorney, City of Mercer Island
P: 206.275.7650 F: 206.275.7663 | www.mercergov.org

From: Bharat Shyam [mailto:bharat_shyam@hotmail.com]
Sent: Tuesday, January 14, 2014 2:14 PM
To: Katie Knight; Sue@writestuf.biz; sue.stewart48@gmail.com
Cc: Shana Crick; Kirsten Taylor
Subject: Re: Planning Commission Hearing

Katie

Thanks for explaining the role played by the City Council. It is great to hear that there will not be artificial limits on the time for feedback.

Thank you for your service to Mercer Island.

Bharat

EXHIBIT 96

Project Nos.: SUB13-009/SEP13-031

Project Name: Coval Preliminary Long Plat

Project Address: 3051 84th Avenue SE

PS: Adding Sue

Sent from my iPad. Please excuse typos.

On Jan 14, 2014, at 2:10 PM, "Katie Knight" <Katie.Knight@mercergov.org> wrote:

Good afternoon—The City Council will be hearing the Coval matter in a quasi-judicial process after the Planning Commission meeting. This means that they sit as judges and cannot have ex parte contacts with proponents or opponents of the project, just like a judge would not be able to hear from parties independently outside the hearing. Under the Appearance of Fairness Doctrine, meetings need not only be fair, but to appear fair. I know that the Councilmembers like to be able to discuss matters with citizens, but this is one area where they are legally obligated to avoid outside contact until the hearing before them is complete.

I'm glad for the opportunity to clear up a misperception—public comment will be allowed for everyone, and everyone will get three minutes to comment. There is no limitation of the time for public comment other than the three minutes. Thus, if ten people want to comment, there will be thirty minutes allowed in total for that. If twenty people, each will have three minutes and the public comment portion will be one hour in total. The applicant is allotted time for their presentation, and then the Commission can ask questions of them or staff. Hopefully that clears up the concern that there might not be ample time for public comment.

Please call me if you would like any additional clarification on the Appearance of Fairness Doctrine or the process for the Planning Commission hearing tomorrow night. Thank you for letting us know of your concern and allowing me the chance to clear that up.

Katie Knight | City Attorney, City of Mercer Island
P: 206.275.7650 F: 206.275.7663 | www.mercergov.org

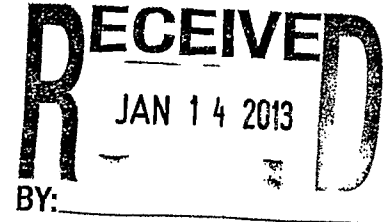
EXHIBIT 97

Shana Crick

From: George Steirer
Sent: Tuesday, January 14, 2014 3:26 PM
To: Shana Crick
Subject: FW: Coval Planning Commission Hearing
Attachments: 2014-1-14 PC delay request.pdf; 2014-01-14 PC Request attachment.pdf

Simply FYI

George Steirer, Principal Planner
City of Mercer Island Development Services Group
9611 SE 36th Street
Mercer Island, WA 98040-3732
Phone: 206-275-7719
george.steirer@mercergov.org



View the status of permits at www.mybuildingpermit.com
View information for a geographic area at <http://pubmaps.mercergov.org>.
View application forms and other zoning information at <http://www.mercergov.org/Page.asp?NavID=361>

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From: Carol [<mailto:carol@aramburu-eustis.com>]
Sent: Tuesday, January 14, 2014 3:22 PM
To: George Steirer; Ali Spietz
Cc: rick@aramburu-eustis.com; Katie Knight; Noel Treat
Subject: Coval Planning Commission Hearing

Please see the attached letter from Mr. Aramburu.

Carol Cohoe
ARAMBURU & EUSTIS, LLP
720 Third Avenue
Pacific Building Suite 2000
Seattle, WA 98104
Telephone (206) 625-9515
Facsimile (206) 682-1376
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EXHIBIT 97

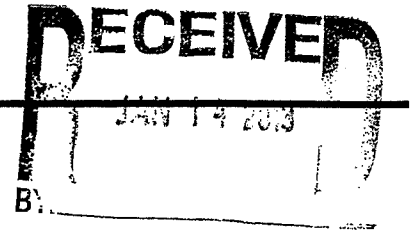
Project Nos.: SUB13-009/SEP13-031

Project Name: Coval Preliminary Long Plat

Project Address: 3051 84th Avenue SE

Shana Crick

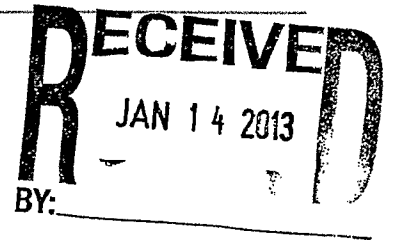
From: Carol [carol@aramburu-eustis.com]
Sent: Tuesday, January 14, 2014 4:07 PM
To: Shana Crick
Cc: rick@aramburu-eustis.com
Subject: FW: Coval Planning Commission Hearing
Attachments: 2014-01-14 PC Request attachment.pdf; 2014-1-14 PC delay request.pdf



Here you go, Shana – I have been having some strange problems with attachments so recommend you screen first, and please let me know if you have any trouble opening them.

Carol Cohoe
Aramburu & Eustis, LLP

From: Shana Crick [mailto:Shana.Crick@mercergov.org]
Sent: Tuesday, January 14, 2014 3:34 PM
To: 'Carol'
Cc: George Steirer; Katie Knight
Subject: RE: Coval Planning Commission Hearing



Dear Carol,

If it's not too much trouble, could you please cc me on communication such as that shown below?

Thanks,
Shana

Shana Crick
Senior Planner
City of Mercer Island Development Services Group
9611 SE 36th Street
Mercer Island, WA 98040-3732
Phone: 206-275-7732; Fax: 206-275-7726
shana.crick@mercergov.org

View the status of permits at www.mybuildingpermit.com
View information for a geographic area at <http://pubmaps.mercergov.org>
View application and other zoning information at <http://www.mercergov.org/Page.asp?NavID=361>

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From: Carol [mailto:carol@aramburu-eustis.com]
Sent: Tuesday, January 14, 2014 3:22 PM
To: George Steirer; Ali Spietz
Cc: rick@aramburu-eustis.com; Katie Knight; Noel Treat
Subject: Coval Planning Commission Hearing

Please see the attached letter from Mr. Aramburu.

Carol Cohoe
ARAMBURU & EUSTIS, LLP
720 Third Avenue
Pacific Building Suite 2000
Seattle, WA 98104
Telephone (206) 625-9515
Facsimile (206) 682-1376

This message may be protected by the attorney-client and/or work product privilege. If you received this message in error please notify us and destroy the message. Thank you.

ARAMBURU & EUSTIS, LLP

Attorneys at Law

J. Richard Aramburu
rick@aramburu-eustis.com
Jeffrey M. Eustis
eustis@aramburu-eustis.com

RECEIVED
JAN 14 2013
BY:

720 Third Avenue, Suite 2000
Seattle, WA 98104
Tel 206.625.9515
Fax 206.682.1376
www.aramburu-eustis.com

January 14, 2014

George Steirer, Senior Planner
City of Mercer Island
9611 SE 36th Street
Mercer Island, WA 98040

Via Email:
George.Steirer@mercergov.org

Chairperson Adam Cooper
City of Mercer Island Planning Commission
c/o Principal Planner, George Steirer
9611 SE 36th Street
Mercer Island, WA 98040

Via Email, c/o:
George.Steirer@mercergov.org and
Ali.Spitz@mercergov.org, City Clerk

Re: Coval Plat Application File Nos. SUB13-009, SEP13-031 (and CAO13-002)
3051 84th Avenue SE

Dear Mr. Steirer and Mr. Cooper:

I am writing today on behalf of my clients, Mercer Island Friends of Responsible Neighborhood Development, an unincorporated association of local property owners concerning the proposed Coval plat. Friends has written several letters concerning this matter, the most recent of which (January 10, 2014) requested that my clients be given a block of time to make their presentations at the plat hearing.

A public hearing is scheduled on the Coval Plat for 7 p.m. on Wednesday, January 15, 2014 at City Hall. However, it was only at 1:46 p.m. yesterday, January 13, 2014, that we received the staff report on this project by email. A copy of that email is attached. As far as we know, the staff report was only sent by email and interested parties that sent letters without email addresses will not be receiving the staff report by regular mail, nor would nearby residents who did not provide comments. The email from staff indicates that the staff report was delivered over the weekend to the Planning Commission members, but does not say when.

The staff report consists of 24 pages of single spaced material. It contains important opinions offered by staff, is richly documented and is obviously the product of many hours (even days?) of work. It contains suggested findings and conclusions which staff urges the Planning Commission to adopt. Because it is the only direct communication between the staff and the Planning Commission, it is an important document that requires careful review by persons interested in Coval plat issues.

However, this document has been delivered only two days before the public hearing on the plat. Given the importance of this document two days is insufficient time to allow persons interested in the plat to review the material and provide comments. Because it appears the hearing before the Planning Commission will likely (but unfortunately) limit speakers to three minutes of testimony, interested participants will need to provide written comments, increasing the burden over a short period of time. Frankly, we also wonder whether the Planning Commissioners can review all of the material in the Planning Commission staff report in such a short period of time. Accordingly, we strongly request that the Planning Commission continue the hearing set for January 15th for at least two week until the next regularly scheduled meeting of the commission on February 5, 2014 at 7 p.m.

Regrettably, this instance of the staff limiting review of important material to only two days is the latest of a series of events on the Coval plat application that have seriously limited citizen participation in this review process including the following.

First, staff issued its Mitigated Determination of Nonsignificance (MDNS) on December 23, 2013¹ requesting comments and/or appeals by January 6, 2014. This meant that interested parties had to review this material and prepare comments or appeals over the busiest period of the year (Christmas) when many people are with families or on holiday. Requests to staff to allow additional time were summarily rejected, except for a brief extension for MDNS comments.

Second, On November 19, 2014, I addressed a letter to the staff raising questions about their processing of a request for a Critical Area Determination by the Coval plat developers. That letter requested that the Critical Area Determination process be redone because the original review by staff was done without public notice or opportunity for public comment. Less than an hour and a half after receipt of my letter, staff emailed me and stated: "We will provide a response to your letter by 5:00 PM on December 13, 2013."

Why does it take staff 24 days to respond to a letter from the public? In fact, on December 13, 2013, at 4:37 p.m., twenty minutes before the self-created deadline for their response, the City staff reported that: "The response to your November 19, 2013

¹ Staff decided to snail mail this document, assuring that it would arrive on Christmas Eve and further reducing the already limited time for review and comment.

January 14, 2014
Page 3

letter will be sent next week instead of today (December 13, 2013)." In fact, that response was not sent until December 17, 2013 at 5:20 p.m. (though the letter was dated December 16).

There was no explanation as to why it took staff four full weeks to respond to a local citizen inquiry (in a letter that was only two pages long).

Please understand the frustration of local residents regarding these staff actions. The process followed to date seems inconsistent with the "Citizen Participation" provisions of the Comprehensive Plan which include the following "Commitment to Public Involvement:"

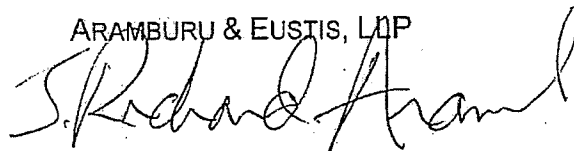
Mercer Island City government is committed to good public process. That commitment is reflected in efforts to enhance and optimize the way in which City decisions are made to include the broadest possible range of Island residents. The City's mission and values are understood by the Council and serve as the unifying principles that guide its decisions.

Long delays in responses to residents, the setting of a comment period over the Christmas holidays and an unreasonably short time for the public to review a lengthy staff report are actions inconsistent with the commitment to "enhance and optimize" public participation. In light of the foregoing, please continue the public hearing on the Coval plat from January 15 to February 5 to allow full consideration of the staff report and other materials.

Thank you in advance for consideration of this request.

Sincerely yours,

ARAMBURU & EUSTIS, LLP

A handwritten signature in dark ink, appearing to read "J. Richard Aramburu", written over the printed name.

J. Richard Aramburu

JRA:cc

cc: Clients

Rick Aramburu

From: Shana Crick <Shana.Crick@mercergov.org>
Sent: Monday, January 13, 2014 1:43 PM
To: Shana Crick
Cc: Katie Knight; George Steirer; Scott Greenberg
Subject: Planning Commission packet for January 15, 2014 meeting (Coval public hearing - SUB13-009)

To whom it may concern:

You are receiving this email because you have either requested to receive a copy of all Planning Commission agendas, or you are a party of record for the Coval long plat (file nos. SUB13-009 and SEP 13-031). The Planning Commission packet for the January 15, 2014 meeting can be found on the City's website in the locations listed below. Please note that the file is separated into seven parts due to its size. Lastly, this packet was delivered to the Planning Commissioners over the weekend. Consequently, any comments received between Saturday (1/11/2014) and 5:00 PM today (1/13/2014) will be entered into the record by staff during Wednesday's public hearing.

Part 1: <http://www.mercergov.org/files/01-15-14PCPacket-Part1.pdf>

Part 2: <http://www.mercergov.org/files/01-15-14PCPacket-Part2.pdf>

Part 3: <http://www.mercergov.org/files/01-15-14PCPacket-Part3.pdf>

Part 4: <http://www.mercergov.org/files/01-15-14PCPacket-Part4.pdf>

Part 5: <http://www.mercergov.org/files/01-15-14PCPacket-Part5.pdf>

Part 6: <http://www.mercergov.org/files/01-15-14PCPacket-Part6.pdf>

Part 7: <http://www.mercergov.org/files/01-15-14PCPacket-Part7.pdf>

Thank you,
Shana Crick

RECEIVED
JAN 14 2013
BY: _____

Shana Crick
Senior Planner
City of Mercer Island Development Services Group
9611 SE 36th Street
Mercer Island, WA 98040-3732
Phone: 206-275-7732; Fax: 206-275-7726
shana.crick@mercergov.org

View the status of permits at www.mybuildingpermit.com

View information for a geographic area at <http://pubmaps.mercergov.org>

View application and other zoning information at <http://www.mercergov.org/Page.asp?NavID=361>

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EXHIBIT 98

Shana Crick

From: Katie Knight
Sent: Tuesday, January 14, 2014 3:32 PM
To: Sue Stewart; George Steirer
Cc: Shana Crick; Kirsten Taylor
Subject: RE: Planning Commission Hearing

EXHIBIT 98

Project Nos.: SUB13-009/SEP13-031

Project Name: Coval Preliminary Long Plat

Project Address: 3051 84th Avenue SE

We cannot forward the email to his attention as this is a quasi-judicial process and he cannot have ex parte contacts. Again, this has to do with the Appearance of Fairness Doctrine. Any comments from the public will be 3 minutes apiece, regardless of profession. Allowing additional time for professionals would be inconsistent with our handling of these matters and would not be good governance. The 3 minute rule is not arbitrary—if forty people show up to speak, that is two hours of public testimony which will be considered in addition to the staff presentation and the applicant presentation. At some point, the issues begin to be repeated and allowing extra time for certain people ends up being unfair. We have consistently applied the three minute rule in quasi-judicial matters (and have had, at times, three hours of public testimony even with that limit). My experience is that a professional will be able to hit the key points in that three minutes.

I think that the confusion on the agenda arises from the Appearances at 7:00. Those are for general comments, and the Planning Commission may limit those. Any comments on the long plat should occur during the open record hearing. If you review the process delineated in the code, that is when comments on the specific application undergoing the quasi-judicial process should occur. Because this is an open record hearing, the record begins when the hearing is opened, then all of the testimony is considered part of the record. I hope that makes sense—our normal agendas provide for the general appearances, so the agenda is consistent with regular Planning Commission meetings (where there might be two or three items, and no hearing).

I appreciate the questions and the interest expressed. Please let me know if you have any more questions.

Katie Knight | City Attorney, City of Mercer Island

P: 206.275.7650 F: 206.275.7663 | www.mercergov.org

From: Sue Stewart [mailto:Sue@writestuf.biz]
Sent: Tuesday, January 14, 2014 3:03 PM
To: Katie Knight; George Steirer
Cc: Shana Crick; Kirsten Taylor
Subject: RE: Planning Commission Hearing

Katie, Shana, Kirsten and George,

I appreciate Katie Knight's e-mail.

Please oversee the change the verbiage on the **Planning Commission Public Hearing** notice to citizens. It does not say there will be unlimited amounts of time for public comments of 3 minutes each. It says there will be 15 minutes of public comment allotted. It further states the limitation of 3 minutes per person which my math tells me 5 people will be allowed to speak if we are to believe what the attached public document states. What is written dampens the spirits of a strong and healthy neighborhood eager to be heard.

<http://www.mercergov.org/Agendas.asp?AMID=2226>

We hope the chairman of the Planning Commission, Adam Cooper has the right to allow additional time to professionals rather than cutting them off in the midst of their presentation. The arbitrary 3 minute rule seems very unfortunate and

not in keeping with good governance. I did not see an e-mail for Mr. Cooper listed on the city web site so I would ask that you will forward this e-mail to his attention.

Sincerely,
T.J. and Sue Stewart

From: Katie Knight [<mailto:Katie.Knight@mercergov.org>]
Sent: Tuesday, January 14, 2014 2:23 PM
To: Bharat Shyam; Sue@writestuf.biz; sue.stewart48@gmail.com
Cc: Shana Crick; Kirsten Taylor
Subject: RE: Planning Commission Hearing

Thank you—please pass the word or have folks contact me if they think the time will be limited.

Katie Knight | City Attorney, City of Mercer Island
P: 206.275.7650 F: 206.275.7663 | www.mercergov.org

From: Bharat Shyam [mailto:bharat_shyam@hotmail.com]
Sent: Tuesday, January 14, 2014 2:14 PM
To: Katie Knight; Sue@writestuf.biz; sue.stewart48@gmail.com
Cc: Shana Crick; Kirsten Taylor
Subject: Re: Planning Commission Hearing

Katie

Thanks for explaining the role played by the City Council. It is great to hear that there will not be artificial limits on the time for feedback.

Thank you for your service to Mercer Island.

Bharat

PS: Adding Sue

Sent from my iPad. Please excuse typos.

On Jan 14, 2014, at 2:10 PM, "Katie Knight" <Katie.Knight@mercergov.org> wrote:

Good afternoon—The City Council will be hearing the Coval matter in a quasi-judicial process after the Planning Commission meeting. This means that they sit as judges and cannot have ex parte contacts with proponents or opponents of the project, just like a judge would not be able to hear from parties independently outside the hearing. Under the Appearance of Fairness Doctrine, meetings need not only be fair, but to appear fair. I know that the Councilmembers like to be able to discuss matters with citizens, but this is one area where they are legally obligated to avoid outside contact until the hearing before them is complete.

I'm glad for the opportunity to clear up a misperception—public comment will be allowed for everyone, and everyone will get three minutes to comment. There is no limitation of the time for public comment other than the three minutes. Thus, if ten people want to comment, there will be thirty minutes allowed in total for that. If twenty people, each will have three minutes and the public comment portion will be one hour in total. The applicant is allotted time for their presentation, and then the Commission can ask questions of them or staff. Hopefully that clears up the concern that there might not be ample time for public comment.

Please call me if you would like any additional clarification on the Appearance of Fairness Doctrine or the process for the Planning Commission hearing tomorrow night. Thank you for letting us know of your concern and allowing me the chance to clear that up.

Katie Knight | City Attorney, City of Mercer Island
P: 206.275.7650 F: 206.275.7663 | www.mercergov.org

EXHIBIT 99

Shana Crick

From: Katie Knight
Sent: Tuesday, January 14, 2014 4:07 PM
To: eustis@aramburu-eustis.com
Cc: Shana Crick; Jay Derr; George Steirer; Noel Treat
Subject: Coval hearing

Dear Mr. Aramburu—we acknowledge receipt of yet another letter from you requesting the Planning Commission continue the hearing on the long plat. The hearing will be held tomorrow as scheduled. Your letter misstates important points, including the allegation that the public has been given insufficient time to comment. The public has had 37 days to comment, over twice the amount of time designated in the code. The comment time was extended at your request. You complain that the holidays somehow interfered with public comment, but then take staff to task for not responding immediately during those same holidays. The critical areas determination was withdrawn as unneeded, so there was no process there to redo. The staff report was filed and provided to the Planning Commission and interested parties in the same amount of time that such reports generally are provided. Staff usually does not prepare and provide such reports several weeks in advance of a hearing. I am not going to address all of the inaccurate allegations in your communication as I understand that your letter is mostly for client consumption and not a realistic portrayal of the process. You have asked for extreme deviations from the process. The City has abided by its normal process according to the code, but has allowed some accommodation for your myriad requests. Your claim that the City is not following appropriate process is unfounded.

I am copying the applicant's counsel on this communication as I noticed that you failed to copy him on your request for a change in the hearing date.

Katie Knight | City Attorney, City of Mercer Island
P: 206.275.7650 F: 206.275.7663 | www.mercergov.org

EXHIBIT 99

Project Nos.: SUB13-009/SEP13-031

Project Name: Coval Preliminary Long Plat

Project Address: 3051 84th Avenue SE

EXHIBIT 100

Richard J. Del Missier
8220 SE 29th St
Mercer Island, Wa 98040
206-232-9840 (Phone & Message)
delmirj@comcast.net

My wife Connie and I have lived on Mercer Island for 56 years, moving here in 1958. During this time we have seen the island deteriorate from a pleasant semi-rural environment to today's overcrowded and overbuilt community.

The Coval property preliminary plat epitomizes much of what is wrong with Mercer Island today. This property is one of the last large developable properties on Mercer Island. The developers, Mercer Island 84th Partnership, have crammed (18) lots onto a 5.1 acre site which should have (10) at the most. The proposed layout is an unimaginative straight line arrangement which from 84th Ave SE, the only access point, will look like a bunch of tenement style row houses.

Additionally they will cover this beautiful site with over 75,000 sq ft of impervious material and cut down over (60) trees including many apple, cherry, plum and pear trees. This will also create serious new drainage problems downhill from the site. We live about (2) blocks north and downhill and have experienced many occasions when the drainage ditches have overflowed. 84th Ave SE, the only access to the site, is narrow and not developed to current standards. It is frequently used as a shortcut to the town center and I-90, and has a constant speeding problem.

The developer should be required to prepare a full EIS to address these and other problems. Mitigations should include upgrading 84th Ave SE to current primary road standards and upgrading the associated drainages.

Sincerely,

Richard and Connie Del Missier

EXHIBIT 100

Project Nos.: SUB13-009/SEP13-031

Project Name: Coval Preliminary Long Plat

Project Address: 3051 84th Avenue SE

Coval Preliminary Plat SUB 13-009 Response to Comments

City Exhibit No.	NAME	DATE	COMMENT	RESPONSE
	Acker	01/13/14	Historical or cultural significance of house and site	<ul style="list-style-type: none"> The house and site are not designated. The house was constructed in approximately 1950 (is not the original structure) and the pool house was added in approximately 1995, and as such, does not qualify as historic or culturally significant. Further, per MIMC 16.01, designation of a site or structure on private property may only be initiated by the owner. The Covals have not initiated designation.
48	Aramburu	11/07/13 Email w/11/07/13 letter w/attach.	Critical Areas Determination process flawed because no notice	<ul style="list-style-type: none"> No CA determination required because consultant and peer review confirmed no critical area on site. All parties have had more than 30 days' notice and opportunity to comment on critical area issues. 11/18/13 Notice of Application and Public Hearing lists CA reports available for comment PC hearing provides adequate due process forum. See 12/16/13 letter from S. Crick to Aramburu in response.
51		11/07/13 letter w/o attach.	Pplat application incomplete because no Critical Areas Determination	<ul style="list-style-type: none"> See above. 08/30/13 City issued letter (notice) of incompleteness, specifying additional information needed. 10/08/13 and 10/25/13 Applicant submitted additional information. 11/08/13 City deemed application complete.
53	Aramburu	11/19/13	See above letter, further requesting administrative appeal of CA determination BEFORE Pplat application deemed complete	<ul style="list-style-type: none"> RCW 36.70B and Mercer Island Municipal Code (MIMC) 19.15.020(F)(1) provide for consolidated hearing of critical areas issues and Pplat issues.
57	Aramburu	12/09/13	Repeat objections regarding	<ul style="list-style-type: none"> See response above

EXHIBIT 101

EXHIBIT 101

Project Nos.: SUB13-009/SEP13-031

Project Name: Coval Preliminary Long Plat

Project Address: 3051 84th Avenue SE

Coval Preliminary Plat SUB 13-009 Response to Comments

City Exhibit No.	NAME	DATE	COMMENT	RESPONSE
			critical areas designation	
			Assure Comprehensive plan consistency	<ul style="list-style-type: none"> • <i>See responses below.</i> The proposal is consistent with the Mercer Island Comprehensive Plan.
			Address Traffic and transportation deficiencies.	<ul style="list-style-type: none"> • The MDNS requires additional right-of-way dedication and an 8.5-ft gravel shoulder added to the existing 84th Ave improvements. • The traffic projections from the proposed subdivision are within the capacity that 84th Ave SE can handle and are not out of character with other traffic generated by existing SF development in the vicinity. 84th Ave improvements are not "substandard" as provided in City street standards for this classification of City street.
			Mitigate Noise impacts	<ul style="list-style-type: none"> • The proposed noise mitigation measures (hours of construction consistent with State and local regulations, equipment noise bafflers, and the additional mitigation measure to restrict the noisiest construction generally to the hours of 8 AM to 5 PM Monday through Friday) exceed code requirements and are adequate to mitigate the temporary construction impacts from the project.
			Increase parking	<ul style="list-style-type: none"> • Individual lots will provide more than code-required parking. In addition, an 8.5-ft gravel shoulder will be added along the 84th Ave SE frontage to provide for improved pedestrian access and occasional overflow parking.
			Retain the Coval House	<ul style="list-style-type: none"> • <i>See response to Acker, above.</i> • In addition, a request to "retain the Coval house and grounds" is inconsistent with City regulations for historic structure preservation, and is akin to

Coval Preliminary Plat SUB 13-009 Response to Comments

City Exhibit No.	NAME	DATE	COMMENT	RESPONSE
				insisting on retaining one house on a 5-acre lot, which is inconsistent with land use designation and zoning.
			Limit development on steep slopes	<ul style="list-style-type: none"> See response to Deng, Ferse, Kingman, et al, regarding geotechnical evaluation. See also staff report analysis of compliance with MIMC provisions regarding grading and construction on steep slopes subject to geotechnical evaluation and statement regarding safety.
			Preserve existing trees	<ul style="list-style-type: none"> City arborist has conducted a thorough review of all trees on site and imposed limitations, including phasing of grading, to satisfy the requirements of the MIMC.
			Preserve and protect watercourse and wetland	<ul style="list-style-type: none"> See responses to Deng, Kingman, et al, regarding watercourse and wetlands. See also staff report discussion. The evidence in the record does NOT support a finding that the site contains a watercourse or a wetland.
			Control stormwater flow off site.	<ul style="list-style-type: none"> See response to Chaves, Corker, et al., regarding stormwater. The stormwater from the site will be designed to meet Department of Ecology Stormwater Manual standards, which will control flow off site. The downstream analysis and the stormwater manual requirements confirm this.
			Modify plat configuration for special conditions under MICC 19.08.030(F).	<ul style="list-style-type: none"> As noted above, and in the series of watercourse and wetland reports, because the site does not contain critical areas, the provisions of this code section do not apply.
			Require and EIS or place	<ul style="list-style-type: none"> The time period to appeal the MDNS has expired

Coval Preliminary Plat SUB 13-009 Response to Comments

City Exhibit No.	NAME	DATE	COMMENT	RESPONSE
			conditions to mitigate impacts.	<ul style="list-style-type: none"> without appeal. The MDNS includes conditions beyond code requirements to mitigate impacts identified during the City's SEPA review. Further, this 18-lot subdivision on a site that would permit 20 lots under current zoning, is not close to the "largest development in many years" on the Island, particularly when compared with recent development and redevelopment in the Town Center area. The standards for an EIS are not met by this proposal. <i>See response above.</i>
69	Aramburu	12/11/13	Further objections to CA determination process	<ul style="list-style-type: none"> <i>See response above.</i>
74	Aramburu	12/27/13	Request to extend MDNS appeal period and all comment periods.	<ul style="list-style-type: none"> <i>See City response, Exhibit 79.</i> The MDNS appeal period was not extended. The plat comment period was extended to 01/13/14. The request to further delay the public hearing was denied.
80	Aramburu	01/03/14	City Design review should be applied to this single family subdivision.	<ul style="list-style-type: none"> <i>See staff response, Exhibit 83.</i> MIMC 19.12 Design does not apply to single family development or subdivisions.
	Aramburu	01/10/14	Request for 45 minute-block presentation	<ul style="list-style-type: none"> This request is for City/PC to decide. If permitted, and if new information is presented at the hearing that was not previously presented prior to the close of the extended comment period, the applicant may request an opportunity to review and respond.
	Aramburu	01/13/14	Complaint regarding inability to access site.	<ul style="list-style-type: none"> While site access was discussed generally between the Applicant and the neighbors in early December,

Coval Preliminary Plat SUB 13-009 Response to Comments

City Exhibit No.	NAME	DATE	COMMENT	RESPONSE
				the first request from the neighbors identifying specifically who, what, and why was received on Thursday, January 9, requesting access on Saturday morning. The owners did not grant access permission. Further, the site drainage and watercourse characteristics can be viewed from adjacent properties to the north and south to confirm the conclusions found in the watercourse consultant reports and the storm water analysis.
			Pedestrian access on 84 th Ave SE	To clarify, the MDNS comment period (2 of them) expired on 1/6/14. The Pplat comment period was extended to 1/13/14.
			Trail connection to the west is on a steep slope.	<ul style="list-style-type: none"> The MDNS provides for an 8.5-ft gravel shoulder along 84th Ave SE, consistent with the pedestrian and bicycle plan provisions cited. There are numerous examples of where the City has relied on stairs to accomplish pedestrian connections to the Town Center area.
			Gravel shoulder will not alleviate internal parking limitations.	<ul style="list-style-type: none"> Internal parking meets or exceeds code requirements. The gravel shoulder along SE 84th Ave can accommodate occasional overflow, but is not expected to be needed to meet typical parking demand.
62	Bridge			
		12/8/13	84 th Ave pedestrian safety	<ul style="list-style-type: none"> 8.5-ft gravel shoulder and ROW dedication is required by MDNS condition.
			Street lights	<ul style="list-style-type: none"> City street standards do not require street lights on 84th.
			Construction traffic	<ul style="list-style-type: none"> Construction traffic is not expected to be significant and will be temporary. Efforts will be made to

Coval Preliminary Plat SUB 13-009 Response to Comments

City Exhibit No.	NAME	DATE	COMMENT	RESPONSE
				balance cuts and fills on site to minimize traffic related to grading.
42	Chaves	10/17/13	Tree removal—monitor grading for utilities carefully	<ul style="list-style-type: none"> Plat will only permit tree removal to install utilities and road. Individual lot building permits will evaluate tree retention/removal for individual homes.
66	Chaves	12/10/13	Tree removal	<ul style="list-style-type: none"> <i>See above</i>; City tree code will be met.
			Stormwater management, especially water quality control	<ul style="list-style-type: none"> Stormwater will be managed in accordance with the Best Management Practices (BMPs) created by the Wash. State Dept. of Ecology (DOE), which the City of Mercer Island has adopted. These requirements include on-site detention of stormwater to match the runoff that would occur if the site is 100% dense forest. Therefore, there will be a reduction in stormwater runoff from the present conditions and that will reduce the potential for downstream erosion. A large, underground stormwater vault will be constructed to meet this requirement. The DOE manual also requires water quality enhancement to remove pollutants from runoff. An advanced filter system will be implemented to remove pollutants, such as oil, metals and phosphorous. This is discussed in storm water report and revised report submitted with application.
			EIS should be required	<ul style="list-style-type: none"> <i>See response to Thorpe comment below.</i> The standard for an EIS is not met. The appeal period for the threshold determination has passed without appeal.

Coval Preliminary Plat SUB 13-009 Response to Comments

City Exhibit No.	NAME	DATE	COMMENT	RESPONSE
61	Cobbs	(undated)	Pedestrian and bicycle safety on 84 th	<ul style="list-style-type: none"> 8.5-ft gravel shoulder and ROW dedication required by MDNS condition.
			Construction noise. Request 5 PM curfew and NO weekend construction	<ul style="list-style-type: none"> Noise regulations specify 7 AM through 10 PM. Heavier equipment construction activity will generally occur when most residents are at work. Mitigation also includes equipment noise mufflers. Staff has added a recommended Condition regarding "noisiest" construction.
			Parking on 84th	<ul style="list-style-type: none"> 8.5-ft gravel shoulder and ROW dedication required. This can accommodate parking for unusual demand not satisfied on site. Each lot will meet or exceed code requirements for off-street parking in individual garages and driveways.
			Watercourse	<ul style="list-style-type: none"> Qualified consultant and City peer review confirmed no watercourse on site. Drainage through site will be accommodated by stormwater design.
			Tree removal	<ul style="list-style-type: none"> City tree code requirements will be met. Tree removal will be phased: first for plat infrastructure, later for individual lot construction.
55	Corker	11/26/13	Storm water and, especially, steep slope on the "east" [sic] (west)	<ul style="list-style-type: none"> <i>See response to Chaves 12/10/13 letter above.</i> In the existing conditions, the majority of the site stormwater is discharged at the northern property line. The amount of stormwater directed to this point will be significantly reduced with this development. Stormwater will be detained in a large stormwater vault to slow its release. The majority of the on-site stormwater will be piped to the roadside

Coval Preliminary Plat SUB 13-009 Response to Comments

City Exhibit No.	NAME	DATE	COMMENT	RESPONSE
				conveyance system in 84 th Ave, which has a stable pipe and defined ditch network. The amount of stormwater directed to the north property line will be significantly reduced with this development. No stormwater runoff from developed areas will be directed towards the western slope.
63	Deng (& Chang)	12/10/13	Steep slope	<ul style="list-style-type: none"> Geotech report and supplements describe slope stability and make recommendations for foundation design to avoid risk to slope. MIMC requirements for modification of steep slope are satisfied.
			Drainage & watercourse on site	<ul style="list-style-type: none"> 2 consultants confirmed no watercourse on site. Drainage will be managed according to storm water manual requirements.
			Traffic access and safety, especially during construction	<ul style="list-style-type: none"> Construction traffic is not expected to be significant and will be temporary. Efforts will be made to balance cuts and fills on site to minimize traffic related to grading.
			Not "compatible" with existing neighborhood.	<ul style="list-style-type: none"> Use and density are consistent with comprehensive plan and zoning designation and with other existing uses and lot sizes in the neighborhood. As shown on the Plat Map, the MIMC allows 20.65 lots to be developed on this property. The Applicant is proposing 18 lots, resulting in larger lot sizes than are required by code. The average lot size on the proposed project is 10,997 SF. The average lot size of the platted lots in the neighborhoods to the north and south is 11,266 SF and 12,849 SF, respectively. Further to the north,

Coval Preliminary Plat SUB 13-009 Response to Comments

City Exhibit No.	NAME	DATE	COMMENT	RESPONSE
				<p>the recent Sunset Ridge plat at the west end of SE 30th St has an average lot size of 10,037 SF. Therefore, this project is consistent with the development of the surrounding neighborhoods.</p> <ul style="list-style-type: none"> RCW 36.70B.030 further provides that zoning and comprehensive plan designations should be “determinative” of use and density consistency.
	Deng (& Chang)	01/13/14	Impact of parking on 84 th Ave SE	<ul style="list-style-type: none"> 8.5-ft gravel shoulder and additional ROW dedication required by MDNS conditions and provide area for incidental parking in excess of the spaces provided in individual lots and garages.
40	Ferse	10/15/13	Steep slope stability, static safety factor and seismic risk. City required him to construct a retaining wall on property immediately to the south	<ul style="list-style-type: none"> A detailed stability analysis of the west slope was completed by the geotechnical consultant with results submitted in report dated 10/07/13. Results of the analysis demonstrate that acceptable safety factors against slope instability will be provided post-grading and house construction for both static and seismic conditions. Site grades will be lowered, and there is no unbalanced grade transition that would require support with an engineered retaining wall. The wall referenced on the property to the south was constructed to replace a timber retaining wall that supports fill material and was failing. The majority of the trees on the western slope will be retained, as shown on the tree survey and retention plan. The stormwater design will be modified so that runoff from roof drains will be tightlined piped to
			Tree removal on the steep slope	
			Roof drains adjacent to steep slope	

Coval Preliminary Plat SUB 13-009 Response to Comments

City Exhibit No.	NAME	DATE	COMMENT	RESPONSE
				discharge into the stormwater system. No runoff will be allowed to flow uncontrolled over the western slope crest.
			20 foot internal road width inadequate	<ul style="list-style-type: none"> The City of Mercer Island road standards require the paved road to be 20-ft wide as shown. The roads that serve the plats to the north and south of the subject property are narrower. In comparison, the pavement on SE 30th PI is typically 12 ft wide and SE 32nd St is typically 11.5 ft wide.
43	Ferse	10/18/13	84 th Ave parking and pedestrian safety	<ul style="list-style-type: none"> 8.5-ft gravel shoulder and ROW dedication required by MDNS condition.
			Construction traffic impacts on 84 th Ave road surface	<ul style="list-style-type: none"> 84th Ave SE and other public streets on Mercer Island have been designed and constructed to State and local standards that are intended to be suitable for construction traffic in addition to the daily use by delivery trucks and refuse trucks. 84th Ave SE and other public streets have proven to be suitable for the construction traffic generated when the adjacent properties were developed and it is not expected that the proposed project will have an abnormal impact on these public streets.
44	Ferse	10/21/13	Access to water main on 32 nd and impacts to private road and existing water supply. Looping water main compared to other options.	<ul style="list-style-type: none"> The water main that this plat will connect to is actually located on the development site, not in SE 32nd St, which is a private road. No construction activity is proposed on the adjacent property.
			Plans for access to private utility easement on southern property line.	<ul style="list-style-type: none"> This project does not propose any work on the adjacent private property. The existing 10-ft wide public water main easement along the south side of the subject property will be widened to 25 ft to

Coval Preliminary Plat SUB 13-009 Response to Comments

City Exhibit No.	NAME	DATE	COMMENT	RESPONSE
67	Ferse			provide the City of Mercer Island with improved access for purposes of maintaining the public water main.
			Fencing property line along 32 nd .	<ul style="list-style-type: none"> Adjacent owners can consult with City regarding ability to install fence on their property along Coval site property line. Applicant has no objection, if the fence does not interfere with required utility easement.
		12/11/13	City required Commentor to replace a retaining wall on adjacent property to the south.	<ul style="list-style-type: none"> The lot to the south placed fill on the steep slope, thus the requirement for a retaining wall (and the need to replace the wall when the old RR tie wall failed). The proposal is to cut slopes, not place fill on the slopes. No retaining wall is required. Refer to discussion in Terra Associates report.
			Concerns regarding western slope stability	<ul style="list-style-type: none"> The reports submitted by Terra Associates confirm slope stability, provide recommendations for construction, and satisfy all code requirements for a qualified geotechnical consultant evaluation for slope modification.
			Storm water backs up on property to the south.	<ul style="list-style-type: none"> The MDNS requires evaluation of drainage from properties to the south, (likely constructed using stormwater standards that are now outdated) and adequate provision to accommodate that stormwater flow across the Coval site to the north. The proposed development is not expected to adversely impact drainage from the properties to the south and, instead, is expected to accommodate, if not improve, conveyance of any stormwater runoff

Coval Preliminary Plat SUB 13-009 Response to Comments

City Exhibit No.	NAME	DATE	COMMENT	RESPONSE
				across the Coval site.
58	Frizzell	12/9/13	Drainage in open ditch along west side of 84 th and impacts to the north if Coval frontage is piped. Will this reduce infiltration and increase run off in ditch to the north along 84 th ?	<ul style="list-style-type: none"> Discharge of site stormwater to the existing system in 84th Ave SE is preferred by City and industry standards since it is a well-maintained and stable conveyance system that is under City control. The City has requested that the conveyance channel along the project frontage be piped and the Applicant has agreed to meet this requirement. There are several benefits to piping the stormwater in 84th, including that it reduces the pollution of stormwater, including Lake Washington, by reducing erosion. It also allows the developer to provide off-street parking along the proposed gravel shoulder, as requested by the City and several residents. The existing ditch along the project frontage provides negligible infiltration potential due to its slope (3-5%), since the stormwater flows at too high of a velocity. The slope of the ditch to the north of the project site is steeper, so infiltration is further compromised. As is required by the DOE and the City of Mercer Island, the downstream flow path, including the existing ditch and culverts along 84th Ave SE, have been inspected by a licensed Professional Engineer and evaluated to confirm that they are sufficient to meet the requirements for this development. This is discussed in storm water report and revised report submitted with application.

Coval Preliminary Plat SUB 13-009 Response to Comments

City Exhibit No.	NAME	DATE	COMMENT	RESPONSE
65	Kingman	12/11/13	CA determination public notice flaw	<ul style="list-style-type: none"> • <i>See response to Aramburu above.</i>
			Disagrees with watercourse determination, based on City watercourse map.	<ul style="list-style-type: none"> • City map is not determinative, and itself acknowledges the mapping is preliminary and requires site verification. Site-specific review was conducted by two separate consultants who both concluded no watercourse on site.
			Trip generation assumption based on "empty-nester"	<ul style="list-style-type: none"> • Standard ITE manual generation rates for SF were used. • No discount was applied for resident age assumptions.
			Construction traffic assumptions incorrect	<ul style="list-style-type: none"> • Grading estimates in application and SEPA checklist are intended to be gross estimates, which will be refined (and likely reduced) during construction engineering. Efforts will be made to balance cuts and fills on the site to minimize import or export of fill material, taking into account the City's request to delay lot grading until individual house building permits, which is likely to increase import and export of fill material. Applicant currently estimates approximately 15-20 trucks per day, 5-day work week, for approximately 2-month period during site grading.
			Tree retention—cottonwoods on southern boundary	<ul style="list-style-type: none"> • Neighbors have requested their removal and, if City approves, Applicant agrees.
			Drainage—doesn't believe no increased run off	<ul style="list-style-type: none"> • <i>See response to Chaves 12/10/13 letter above.</i>
			Construction hours—object to 7 AM to 10 PM	<ul style="list-style-type: none"> • These construction hours are consistent with State and local regulations. Once site work and basic

Coval Preliminary Plat SUB 13-009 Response to Comments

City Exhibit No.	NAME	DATE	COMMENT	RESPONSE
			Houses/lots on western steep slope. Will decks cantilever over the steep slope?	<ul style="list-style-type: none"> • foundations and framing are completed, much of the balance of the construction work will be indoors, where noise levels will be further reduced. • Lots 10-13 will be graded down from existing elevations, and houses on these lots may have daylight lower levels, with minimal or no portion of structures extending over the remaining slope. Geotech reports explain slope stability and safety and include recommendations for foundations or decks to avoid impacts to slope. Retaining wall on lot to the south of Coval was constructed because that lot was filled over the slope to increase development area. Lots 10-13 are cuts, not fills.
56	Lamperiti	12/02/13	Pedestrian safety on 84 th and children waiting for school bus. Need street lights and sidewalk or shoulder	<ul style="list-style-type: none"> • 8.5-ft gravel shoulder and ROW dedication will be required.
			Requests shoulder, street lights, speed bumps, painted lane lines and fewer lots.	<ul style="list-style-type: none"> • Shoulder will be provided. • City street standards do not require street lights. • 84th Ave is not designed for speed bumps. The Applicant has no objection if the City decides to paint lane lines on 84th although this is unrelated to the proposed subdivision or its traffic impacts. • Lot yield is determined by zoning. • Number of project vehicle trips are within volumes 84th is designed to handle. • City zoning regulations would allow 20.65 lots. Only 18 lots are proposed.
			Type 2 watercourse on her	<ul style="list-style-type: none"> • City watercourse mapping is not determinative. 2

Coval Preliminary Plat SUB 13-009 Response to Comments

City Exhibit No.	NAME	DATE	COMMENT	RESPONSE
			property (8320 SE 30 th Place—north of Coval)	<ul style="list-style-type: none"> consultants reviewed the site and confirmed no watercourse. The stormwater report and revision submitted with application describe the drainage course, including piped drainage both above and below the Coval site. Presence of a watercourse downstream of Coval site does not mean there is a watercourse on the Coval site. Refer to watercourse determination documents.
68	McKnight	12/11/13	Loss of wildlife habitat—"cut off" wildlife.	<ul style="list-style-type: none"> Adjacent Luther Burbank Park and associated wildlife habitat will not be impacted. Coval property is otherwise surrounded by existing urban development and improved 84th Ave ROW and thus, will not "cut-off" any wildlife corridor.
			Potential impacts to tribal fisheries resources in Lake Washington	<ul style="list-style-type: none"> The proposed development will reduce stormwater runoff compared to existing conditions, since the proposed stormwater vault is design to reduce runoff to that of a forested site. This reduces pollution of stormwater caused by erosion. Additionally, the development will include an advanced filter system to remove pollutants, such as oil, metals and phosphorous, which are currently released to Lake Washington from a variety of developed sources.
			"enormous" traffic impact	<ul style="list-style-type: none"> Additional trips, per ITE trip generation manual, are inconsequential to traffic volumes and levels of service on adjacent streets. 84th Ave shoulder and ROW dedication will be required.
	Moore (Wash Trust	01/13/14	The Coval house and the site	<ul style="list-style-type: none"> The Washington Trust for Historic Preservation has

Coval Preliminary Plat SUB 13-009 Response to Comments

City Exhibit No.	NAME	DATE	COMMENT	RESPONSE
	Historic Preservation)		should be "assessed" for historic significance before proceeding	<p>no regulatory authority over historic structures or sites, but rather serves to assist owners and communities to access resources available for preservation for structures or sites that are on the organization's at risk list. The Coval site and house are not on either the endangered list, nor on the watch list for this organization.</p> <ul style="list-style-type: none"> Further, MIMC 16.10, which does provide a process for nomination and preservation requires the <u>owner</u> of a private property to initiate the nominations. The Covals have not initiated city nomination, nor is listing likely, since the house is typical of any 1950's ramblers on the island and the pool house featured on the website noted was constructed approximately 1995. Finally, the applicant has been exploring interest from a nonprofit organization on the Island to move and re-use the pool house structure, the structure with the most interesting construction materials and architectural details. The resource agency's comment noted.
76	Muckleshoot (Walter)	12/30/13	No comments or concerns after reviewing the watercourse and wetlands documents	<ul style="list-style-type: none"> The resource agency's comment noted.
41	Okada	10/16/13	Construction traffic	<ul style="list-style-type: none"> Construction traffic is not expected to be significant and will be temporary. Efforts will be made to balance cuts and fills on site to minimize traffic related to grading. 84th Ave ROW dedication and improvements will be
			What accommodations for	

Coval Preliminary Plat SUB 13-009 Response to Comments

City Exhibit No.	NAME	DATE	COMMENT	RESPONSE
			road improvements, sewer, water and other utilities	<p>to City standard. Internal street improvements will be to City standard.</p> <ul style="list-style-type: none"> The capacities of the existing sewer, water, storm drainage and franchise utilities has been studied, and it has been determined that these systems have adequate capacity for the proposed project. 84th Ave SE has also been studied and found to have sufficient capacity to meet the needs of the proposed project and current users.
			Decrease total number of homes	<ul style="list-style-type: none"> Number of lots proposed is consistent with plan and code requirements. 20 lots are permitted by code. 18 are proposed.
			Retain trees, especially along perimeter	<ul style="list-style-type: none"> Project will comply with the provisions of tree code. The Applicant also willing to provide/retain 25-ft buffer along southern boundary and enhance plantings, where appropriate. Proposed conceptual landscape plan illustrates existing and proposed perimeter landscaping.
			Stabilize steep slopes	<ul style="list-style-type: none"> The Geotech reports describe slope stability, safety, and include recommendations for foundation construction and retention of vegetation as proposed.
			Accommodate increase storm water runoff.	<ul style="list-style-type: none"> Stormwater management design per manual requirements will address stormwater impacts. Stormwater from site will be detained, treated and then released at pre-development levels.
70	Price	12/11/13	18 lots is too many, given traffic on 84th	<ul style="list-style-type: none"> The number of lots is consistent with (actually less than) would be permitted by the comprehensive plan and zoning. 84th is adequate for the additional traffic (17 peak

Coval Preliminary Plat SUB 13-009 Response to Comments

City Exhibit No.	NAME	DATE	COMMENT	RESPONSE
			This "high density" residential development should go someplace else.	<ul style="list-style-type: none"> The proposed density is less than that permitted by the comprehensive plan and zoning.
			Environmental studies are inadequate	<ul style="list-style-type: none"> <i>See all responses above, since the commentator does not provide any specific objections.</i>
38	Stewart	10/03/13	Various white board notes	<ul style="list-style-type: none"> <i>See other responses.</i> Not clear what is the source of this whiteboard list, but each of the items lists are addressed in staff report and in this response matrix.
39	Stewart	10/04/13	Report documenting birds in adjacent Luther Burbank Park	<ul style="list-style-type: none"> The location of the bird survey information appears to be at the north end of Luther Burbank Park, near the lake. This is approximately 1 mile from the project site. Herons observed on the site were fishing in the artificial koi pond. The site is not a nesting or roosting habitat for either herons or eagles.
45	Stewart	Undated email	Questions abandonment of 30 foot century link communications easement	<ul style="list-style-type: none"> The 30-ft wide easement along the project's southern boundary is owned by AT&T and was created for telephone poles with overhead lines that were removed many years ago. There are no telephone or power lines currently in this easement. AT&T has expressed that they no longer need the easement and Applicant is working with them to vacate the easement. If that doesn't occur, the building set back from the southern boundary would simply be increased to 30 ft from the otherwise planned 25 ft.
46	Stewart	10/24/13	Concerns regarding storm drainage and whether	<ul style="list-style-type: none"> Conditions of approval require inspection of existing outfall and replacement, as necessary to

Coval Preliminary Plat SUB 13-009 Response to Comments

City Exhibit No.	NAME	DATE	COMMENT	RESPONSE
			project will continue to accommodate drainage from development to the south (32 nd)	<ul style="list-style-type: none"> accommodate this offsite drainage. A drainage path through the project is proposed to convey the stormwater that is discharged from the underground detention tank on the adjacent plat of Mercer Meadows. The drainage path will be enhanced with native vegetation typical of Pacific Northwest rain gardens as recommended by WSU Extension Service or comparable resource.
			Questions storm water vault design for Coval plat	<ul style="list-style-type: none"> <i>See response to Chaves 12/10/13 letter above.</i> Stormwater from the developed site will be discharged at a reduced rate from existing conditions and will also have improved water quality. As is required by the DOE and the City of Mercer Island, the areas both upstream and downstream of the site have been inspected by a Professional Engineer and evaluated to confirm that they were sufficient to meet the requirements for this development. This is discussed in stormwater report and revision submitted with application.
47		10/28/13	Additional comments regarding maintenance of drainage conveyance through the Coval property	<ul style="list-style-type: none"> Same responses. Commentor states: "if they (developer) are to maintain the conveyance of this existing runoff then we should be ok." By requiring evaluation of this drainage outfall, maintenance of this conveyance, and requiring a new, private drainage easement across Coval property, City has addressed this concern.
64	Stewart	12/11/13	Prefer retention of the existing residence and landscaping	<ul style="list-style-type: none"> Planning and zoning provide for the uses and densities proposed. City has no regulatory mechanism to require retention of existing residence

Coval Preliminary Plat SUB 13-009 Response to Comments

City Exhibit No.	NAME	DATE	COMMENT	RESPONSE
			Lund peer review of watercourse assessment was during a dry season.	<ul style="list-style-type: none"> Watercourse assessment occurred from approximately March-June, 2013, as described in watercourse and wetlands assessment memoranda from Watershed Dynamics and Watershed Company.
			Because there is a Type II watercourse downstream of property, that must mean it is a Type II watercourse on the property.	<ul style="list-style-type: none"> MIMC definition of "watercourse" requires a channel with a bed and banks or sides through all or substantially all of its length. These conditions are not present on site. Further, under MIMC, Type II watercourses have year-round flow. This also does not occur on site. Presence of a watercourse downstream is NOT indicative of upstream conditions. Most all watercourses reach some point upstream where they are no longer considered a regulated watercourse. The watercourse maps are not determinative and, in fact, acknowledge the preliminary nature of the watercourse determination and the need for site-specific verification.
			Concern regarding slide potential on steep slope adjacent to KCHA property	<ul style="list-style-type: none"> The Geotech report(s) confirm slope stability and satisfy all MI code requirements for modification of slope and for the proposed construction.
			Questions revisions to survey and wetland flag delineation.	<ul style="list-style-type: none"> The City's peer review, Watershed Company, confirmed no wetlands on site and, therefore, delineation flagging not an issue.
			Don't retain cottonwood trees along south boundary	<ul style="list-style-type: none"> If City arborist approves, Applicant agrees to remove cottonwoods.
			City maps still show watercourse across this property	<ul style="list-style-type: none"> Map is not determinative, as acknowledged in map legend. Site-specific evaluation was required, was peer reviewed, and both concluded map was

Coval Preliminary Plat SUB 13-009 Response to Comments

City Exhibit No.	NAME	DATE	COMMENT	RESPONSE
				incorrect.
			Request full EIS	<ul style="list-style-type: none"> • See response to Thorpe below. Appeal period for MDNS has expired.
			Improvements to 84 th all the way to Clise Park.	<ul style="list-style-type: none"> • This is beyond scope of project impacts and small volume of peak hour trips added by the proposed development.
			Risk unspecified “environmental damage” to Luther Burbank Park and Lake Washington.	<ul style="list-style-type: none"> • No adverse impacts to the Luther Burbank Park have been identified. The proposed stormwater management design will avoid impacts to Lake Washington.
71	Stewart	12/14/13	Concerns expressed to City Parks planner regarding loss of habitat generally, and on this site specifically.	<ul style="list-style-type: none"> • See response to Stewart comment regarding bird survey in park, above. • Comprehensive plan and zoning designation for this site is not open space.
72	Stewart	12/16/13	Steep slope and watercourse concerns	<ul style="list-style-type: none"> • See previous responses.
			Seismic/fault line	<ul style="list-style-type: none"> • The geotechnical report and staff report address this issue. The site is not a seismic hazard area.
75	Stewart	12/29/13	Request to delay appeal deadline and hearing date.	<ul style="list-style-type: none"> • See response from City staff to similar Aramburu request. This project has been in review and public comment since at least mid-November, and the neighbors have been aware of and engaging on the project issues since well before that time. This is more than adequate notice and opportunity to comment.
81	Stewart	01/04/14	Request to forward documents	<ul style="list-style-type: none"> • City staff response.
60	Thorp	12/09/13	Recommend DS (EIS)	<ul style="list-style-type: none"> • Appeal period for MDNS has expired without appeal. • Standard for EIS (“probable, significant, adverse

Coval Preliminary Plat SUB 13-009 Response to Comments

City Exhibit No.	NAME	DATE	COMMENT	RESPONSE
				<p>impact not adequately addressed by existing regulations”) is not met. Project is being designed to meet or exceed all City impact mitigation regulations (stormwater, critical areas, tree retention, traffic, noise, etc.). Uses and densities are consistent with planning and zoning. <i>See</i>, RCW 36.70B.030. <i>See also</i> WAC 197-11-158 regarding use of existing laws and regulations to mitigate impacts.</p> <ul style="list-style-type: none"> • Additionally, City has added 9 additional mitigation measures beyond code requirements to identify potential impacts from proposal that City determined were not fully addressed with existing regulations.
			Steep slope: recommend NO trail connection; setback homes 25 feet from top of slope; preserve ALL vegetation in this slope area.	<ul style="list-style-type: none"> • Geotech report demonstrates can maintain slope integrity with proposed construction. City, not Applicant, is requesting trail connection.
			Tree retention: should save more significant trees.	<ul style="list-style-type: none"> • City tree code will apply. With initial plat construction, approximately 60 of the 262 significant trees would be removed for road and utility construction. Other trees proposed for removal are unhealthy or danger trees, per City arborist. Cottonwoods fall into this category, and their removal is requested by commentator (<i>see below</i>). Otherwise tree removal on individual lots will be evaluated at time of building permit.
			Keep 25-30 foot buffer along south property line.	<ul style="list-style-type: none"> • 25-ft buffer will be retained (utility easement) and where permitted by City, will enhance plantings to improve screening.

Coval Preliminary Plat SUB 13-009 Response to Comments

City Exhibit No.	NAME	DATE	COMMENT	RESPONSE
			Remove "dangerous" cottonwood trees.	<ul style="list-style-type: none"> • Agree, subject to City arborist approval.
			Should retain watercourse designation	<ul style="list-style-type: none"> • Commentor offers no expertise, nor alternative data to support this conclusion. Merely notes "authorship" of the City regulations. • Watercourse map is incorrect, as verified by 2 consultants.
			Hydrophytic vegetation and hydric soils	<ul style="list-style-type: none"> • 2 separate wetland consultants evaluated vegetation and soils and concluded that wetland characteristics were not present on the site. Test pits confirmed no hydric soils. Only indicator species was buttercup and that may be attributable to irrigation systems installed in depression to maintain landscaping. Buttercups are a relatively inconclusive wetland indicator species. • Commentor does not offer contrary data, nor comparable qualifications to counter those conclusions.
			Drainage—need more information on design and downstream analysis	<ul style="list-style-type: none"> • <i>See response to Chaves 12/10/13 letter above.</i> Stormwater from the developed site will be discharged at a reduced rated from existing conditions and will also have improved water quality. As is required by the DOE and the City of Mercer Island, the areas both upstream and downstream of the site have been inspected by a Professional Engineer and evaluated to confirm that they were sufficient to meet the requirements for this development.
			"historic" Coval house	<ul style="list-style-type: none"> • House is not on any historic register, nor any list for evaluation.

Coval Preliminary Plat SUB 13-009 Response to Comments

City Exhibit No.	NAME	DATE	COMMENT	RESPONSE
			All access should be off internal street. Prolonged construction impacts with direct driveway access off 84 th Ave.	<ul style="list-style-type: none"> No City code restriction for driveway access onto 84th Ave SE. A maximum of 4 lots (1 through 4) may have direct driveway access on to 84th Ave SE, depending on tree retention decisions made by the City during individual house construction on those lots. There presently are 12 existing homes with direct driveway access to 84th Ave SE that is not shared with another home. Adding up to 3 additional (beyond existing Coval residence) private driveways will not have a significant, adverse impact on 84th Ave SE.
			Grading estimates are incorrect	<ul style="list-style-type: none"> The grading design shown on the Pplat Plans is "preliminary" and subject to change when the actual construction plans for the plat improvements are designed. This will be done after the preliminary plat is approved. For that reason, it is common industry practice to apply a factor of safety to the earthwork quantities stated in the SEPA Checklist, since this provides flexibility to develop the most efficient project design while not exceeding approved thresholds.
			Hours of construction require mitigation beyond code requirements	<ul style="list-style-type: none"> The proposed construction is not out of the ordinary for infill development in a residential area. Existing State and local noise regulations and construction hour limitations are sufficient to mitigate expected impacts.
			May be conflicts with single family compatibility with existing neighborhoods	<ul style="list-style-type: none"> Zoning, comp plan densities are consistent with proposed development. Adjacent existing development patterns are similar lot sizes. As shown on the Pplat Map, the Mercer Island City Code allows 20.65 lots to be developed on this

Coval Preliminary Plat SUB 13-009 Response to Comments

City Exhibit No.	NAME	DATE	COMMENT	RESPONSE
				<p>property. The Applicant is proposing just 18 lots, resulting in larger lot sizes than are required.</p> <ul style="list-style-type: none"> The average lot size on the proposed project is 10,997 SF. The average lot size of the platted lots in the neighborhoods to the north and south is 11,266 SF and 12,849 SF, respectively. Further to the north, the recent Sunset Ridge plat at the west end of SE 30th St has an average lot size of 10,037 SF. Therefore, this project is consistent with the development of the surrounding neighborhoods.
78	Thorpe	12/30/13	Support for appeal extension.	<ul style="list-style-type: none"> See <i>City response to similar Aramburu request</i>. Further, as reflected in Exhibit 60, Mr. Thorpe has been involved in this project review since early December, and as demonstrated by Exhibit 36, was involved to some degree as early as August 2013.
	Wang	01/12/14	Impacts experienced with development on SE 30 th were greater than suggested during that project review	<ul style="list-style-type: none"> City codes and the MDNS conditions adequately address these construction impacts. Issues of enforcement or compliance on a different project are not indicative of performance on this project. Construction on the Coval site will not impact SE 30th.
59	Zaidi (8241 SE 30 th)	12/09/13	Objects to prior 5-lot development at end of their street, both character of that development and loss of significant trees.	<ul style="list-style-type: none"> Construction and other traffic will not use SE 30th St and thus, will not have impacts noted.
			Removal of vegetation on Coval property will impact drainage (volume)	<ul style="list-style-type: none"> Removal of existing vegetation from the subject property will not result in increased stormwater flow rates or durations since the development will

Coval Preliminary Plat SUB 13-009 Response to Comments

City Exhibit No.	NAME	DATE	COMMENT	RESPONSE
			downstream on their property	<p>mitigate this concern with the construction of underground stormwater management facilities. The proposed development will reduce stormwater runoff compared to existing conditions, since the proposed stormwater vault is designed to reduce runoff to that of a forested site. Therefore, the runoff from the developed site will be less than currently is released from this site that is predominantly covered by grass and impervious surfaces.</p> <ul style="list-style-type: none"> The existing drainage path that crosses through the subject property has been determined not to be a "watercourse" per the definition and evaluation criteria in the City of Mercer Island City Code. The drainage features shown on the City maps were generally prepared without the benefit of an on-site evaluation and most City maps note that an in depth, site evaluation is needed to verify the classifications. It is possible that the drainage path further downstream of the subject property could still be classified as a "watercourse," since any drainage path has increased flows as the basin area tributary to it increases.
			Pedestrian safety on "snake hill" (84 th Ave) 180 trips per day is "shocking" increase.	<ul style="list-style-type: none"> 8.5 ft gravel shoulder and ROW dedication is required by MDNS condition. Increase trip volume from the project is below the threshold of any significant impact.
			Tree removal.	<ul style="list-style-type: none"> City tree code will apply. With initial plat construction, approximately 60 of the 262 significant trees would be removed for road and utility

Coval Preliminary Plat SUB 13-009 Response to Comments

City Exhibit No.	NAME	DATE	COMMENT	RESPONSE
				construction. Other trees proposed for removal are unhealthy or danger trees, per City arborist. Cottonwoods fall into this category. Otherwise tree removal on individual lots will be evaluated at time of building permit.

LANDSCAPE PLAN CONCEPTS

Coval Property
Mercer Island, WA



FRED GLICK | DESIGN
Landscape Architects

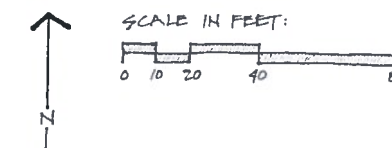
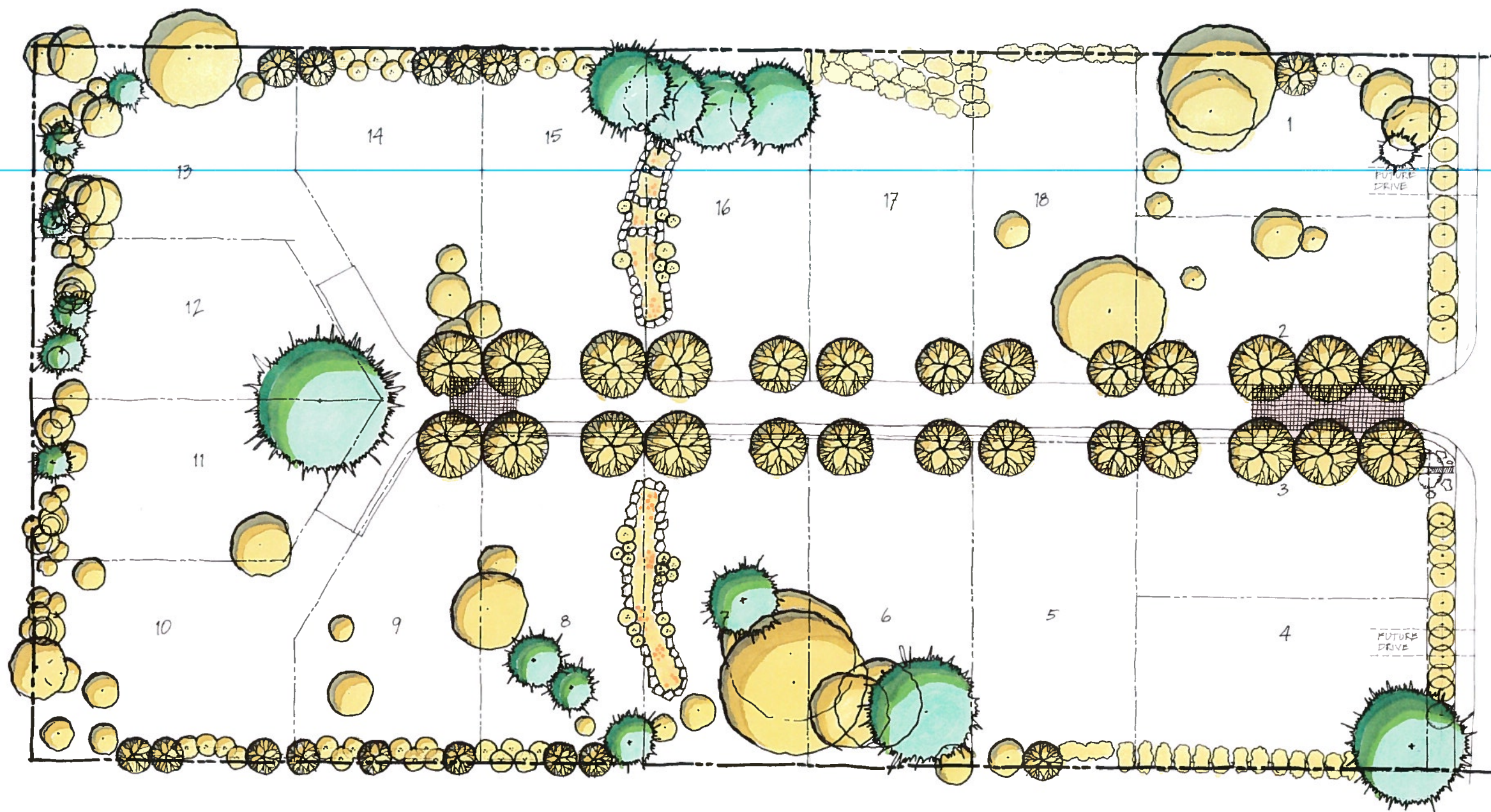
January 15, 2014

EXHIBIT 102

Project Nos.: SUB13-009/SEP13-031

Project Name: Coval Preliminary Long Plat

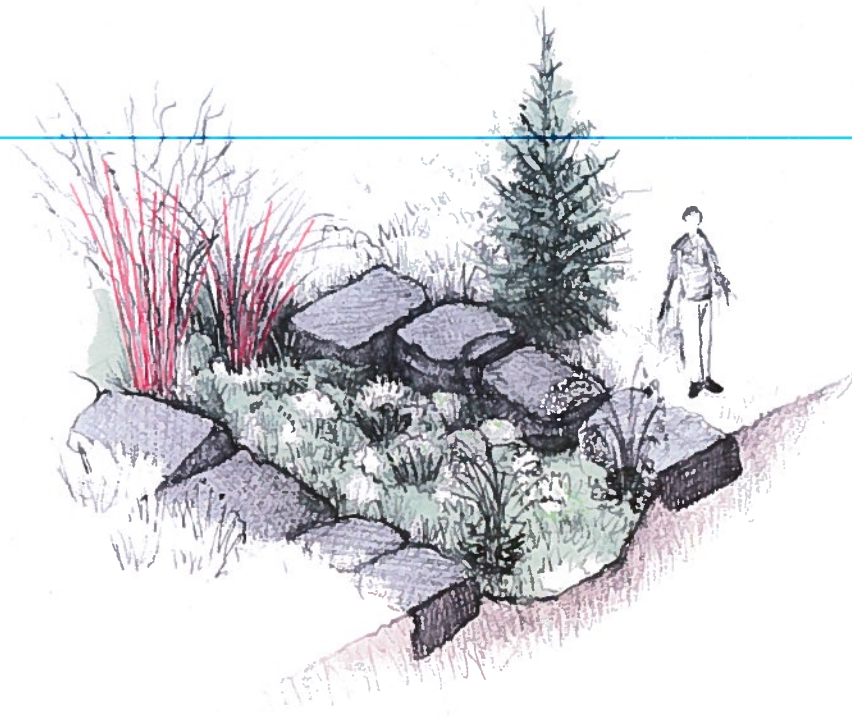
Project Address: 3051 84th Avenue SE



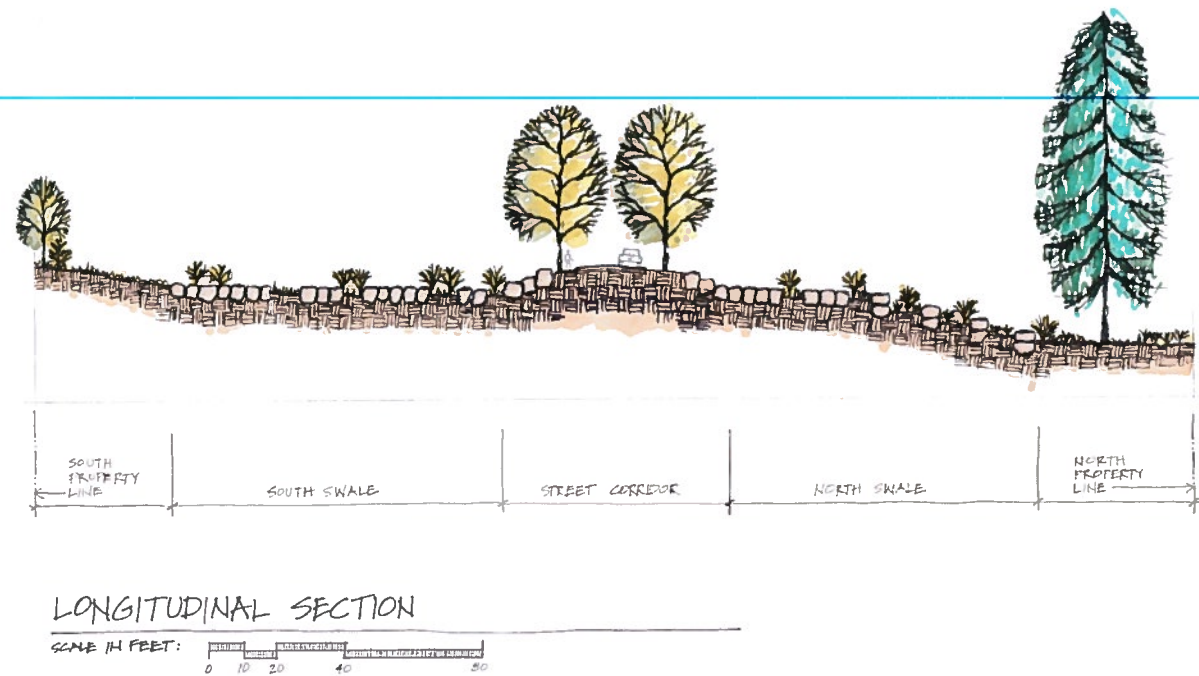
LEGEND

- DECIDUOUS TREE TO REMAIN
- CONIFEROUS TREE TO REMAIN
- PROPOSED STREET TREE
- PROPOSED BUFFER TREE
- PROPOSED SHRUBS
- EXISTING SHRUBS TO REMAIN

LANDSCAPE CONCEPT PLAN
 COVAL PROPERTY • MERCER ISLAND, WA.
 FRED GLICK DESIGN PLLC • LANDSCAPE ARCHITECTS
 JANUARY 8, 2014



CUTAWAY VIEW
NOT TO SCALE



LONGITUDINAL SECTION

SCALE 1/4" = 10' FEET: 0 10 20 40 60

RAIN GARDEN CONCEPTS
COVAL PROPERTY • MERCER ISLAND, WA.
FRED GLICK DESIGN PLLC • LANDSCAPE ARCHITECTS
JANUARY 14, 2014

EXHIBIT 103

1.

SUMMARY OF CONTENTS

This notebook has been prepared by the Mercer Island Friends of Responsible Neighborhood Development ("Friends"), an unincorporated association of Mercer Island residents, for use by the Mercer Island Planning Commission and City Council in reviewing the Coval Plat. The Coval Plat is proposed as an 18 lot subdivision located at the site of the Coval Estate at 3051 84th Avenue S.E. Friends believes that the proposed subdivision violates a multitude of state and local regulations and should not be approved in its current configuration.

Friends has engaged several recognized experts to review the proposed plat. These include experts in the disciplines of stormwater and drainage impacts, Dr. Malcolm Leytham, wetlands and water courses, Scott Luchessa, and land use planning, Robert W. Thorpe. Their reports are contained within this notebook. Other reports provided by local residents were prepared after careful research and review of the proposed plat and local circumstances. Friends has requested on several occasions that their experts be permitted to have brief access to the site, however these requests have been denied.

The above-mentioned reports of experts and local residents are organized in a single notebook for ease of use by Mercer Island decision makers, allowing each commission or council member to have relevant materials available in an easy to use format. At the conclusion of the notebook materials are specific requests for actions and conditions to be placed on the plat. In some areas, Friends has concluded that the reports prepared by the applicant are inadequate and request that the Commission and Council refer these matters back to the applicant and staff to redo such reports.

The divisions or tabs in this notebook are as follows.

1. SUMMARY/ TABLE OF CONTENTS

2. COVAL PROPERTY AND PROPOSED PLAT

Includes description of property and its improvements, referencing the artistic and architectural value of the Covals' home. This section also describes the plat proposal.

3. LEGAL ANALYSIS

A legal analysis of the rules and regulations that apply to the subdivision is provided in this section. This section is written by the Committee's land use attorney Richard Aramburu.

4. DESIGN REVIEW/CRITICAL AREA DETERMINATION

In this section of the notebook, materials demonstrate that staff has not complied with procedural requirements applicable to the Coval Plat, in particular, failure to follow procedural requirements for processing a Critical Area Determination and the failure to submit the proposal for design review.

5. STORMWATER AND DRAINAGE

This section provides a report from Dr. Malcolm Leytham, a licensed professional engineer and hydrologist who describes deficiencies and errors in the drainage and stormwater reports provided by the applicant.

6. WETLANDS AND WATERCOURSE

This section includes a report by certified ecologist Scott Luchessa that demonstrates there is a regulated watercourse and wetland that exists at the center of the site.

7. TRAFFIC AND TRANSPORTATION

In this section deficiencies in existing streets that serve the project will be analyzed. In addition, this section will show that a pedestrian route to the west over very steep slopes is likely not feasible and will not mitigate impacts of the project. Further, this section will describe deficiencies in the plan for the private road on the site.

8. COMPREHENSIVE PLAN AND LAND USE

Bob Thorpe, an experienced land use planner and Mercer Island resident, will analyze the consistency of the proposal with Mercer Island ordinances and comprehensive plan and describe the major changes to the plat proposal required for consistency with these regulations. These major changes include the preservation and protection of the steep slopes and critical areas on the site.

9. OPERATIONAL CONDITIONS

Under this tab, construction impacts will be considered and several

recommended conditions, especially related to noise impacts will be considered.

10. DOWNSTREAM WATER QUALITY

This section will include a report from Mike Grady discussing the downstream water quality impacts of the proposal.

11. RECOMMENDED ACTIONS

The final section of the notebook will present specific recommended actions and conditions for Commission action.

2.

DESCRIPTION OF COVAL PROPERTY AND PROPOSED PLAT

The Coval Property gets its current name from Myer and Barbara Coval. Their home is located on a five-acre tract just west of 84th Avenue S.E. An aerial photograph of the property is on the cover of this notebook.

A wonderful website, "Covalhouse.com" has been prepared by the owners to celebrate their beautiful home and grounds. This website should be carefully and fully reviewed by the Planning Commissioners.

As the website indicates, the Coval property has been in continuous single family residential use since 1901, when the property was homesteaded by David Alexander. The original house was removed in 1949, after which the property was purchased by Harriett and Merritt Starr, who built a rambler style home and added landscaping beyond that planted by the Alexanders.

The Covals purchased the property in 1981 and dedicated more than 16 years turning the existing home into a work of art. More than 11 different craftsmen worked on the home using exotic woods and materials from all over the world. For example, a rare African wood, bubinga, was used to construct the ceilings and built-in bookcases of the library. All of the joints in the house are tongue and groove, with no nails or screws anywhere. A substantial pool area has been constructed using Japanese Shinzuka trusses in solid African Bubinga. Indeed, this pool room was included in a House and Garden Television (HGTV) program entitled "Million Dollar Rooms." See <http://www.youtube.com/watch?v=IHOSbctpgS8> (Episode HMDRS=206H, May 29, 2012).

In addition to exhibiting the unique features of the home, the Covalhouse.com website includes extensive discussion of gardens, plantings and water features, including a large koi pond. As the website states, the grounds consist of a "breathtaking array of plants and trees, including Japanese Maples, Japanese Black Pine, Flowering Dogwood, a specimen Japanese Wisteria, Water Lilies and a rich variety of other specimen plants." A shallow bog to the east supports a gorgeous array of grasses and downed logs. Photos and a description of the pond from the website are attached.

As described on the attached topographic map at 11, the site contains several critical areas. To the west there are very steep slopes and the middle of the property contains more steep slopes adjacent to a watercourse and wetland.

The proposed plat would demolish the house and bulldoze the gardens, landscaping and water features. See proposed Plat Map attached. In its place would be 18 lots with 18 homes. The plat proposal seeks construction of homes and roads within the steep slopes and wetlands and watercourse critical areas.



HOME HISTORY EXPLORE GARDENS CONTRIBUTORS RESOURCES CONTACT



Koi Pond

The Koi Pond is the centerpiece of the Coval gardens. The lower pond is ten feet deep, and sits directly over the original site of the 1913 Alexander house, which had as its foundation a deep and massive concrete wine cellar. When the Starrs purchased the home in 1948, the Alexander home was demolished, but the cellar stayed and was reclaimed as a swimming pool, finished with interior plaster and an aggregate deck. When the Covals began their remodel of the home in 1982, the pool still remained, but they had visions of an indoor pool to the east of the main house, so the Alexander cellar would finally fall from use.

A number of designers and landscape architects with impressive portfolios proposed designs for the courtyard area, but the formality of the waterscapes bordered on the pretentious, leaving Barbara Coval wanting. She envisioned a pond quiet and subdued, seamlessly blending into the landscape, and most importantly, alive with natural flora in the pond itself. One afternoon Barbara and David Eck sat outside sketching and talking about what could be, and within a couple of hours, a simple plan emerged. A talented pool designer, John Fish, who had been retained to design the indoor pool, refined the concept and worked out the mechanical requirements of circulation to the upper pool. The design settled, the pond structures were installed using high quality pool construction techniques, utilizing massive quantities of reinforcing steel and hand finished gunite.

At this point Scott Hackney of Marenakos Rock dropped by to begin conversations with Myer and Barbara Coval regarding the indoor pool waterfall. Seeing the pond in progress, Scott could immediately envision a pond that was beyond what anyone has previously imagined, and after sharing his creative vision with Myer, was given carte blanche to make that vision a reality. Marenakos was at the time just beginning to liberate granite from the Hansen Creek Quarry in the Snoqualmie Pass, which was rich with massive weathered specimen stones difficult to find today. Over six hundred tons were brought in for the Coval pond alone, and a massive crane worked for weeks setting the boulders precisely to Scott's liking.

The setting of the granite required a remarkable orchestration between the crane operator and the man on the ground. For Scott, who would stand beneath a two ton stone as it dangled in the air, relationship and trust with the crane operator can mean his life. Positioned in the crane was Bill Hyde, not only Scott's business partner but his essential partner in the creative process as well. Setting stone is the perfect integration of art and craft; Scott sensing a composition of shapes, conveying that sense with mysterious signals and subtle body language to Bill, and then with elegant precision, Bill silently answering with gentle placement, stone by stone.



Scott Hackney and Bill Hyde prepare to set tons of breathtaking Hansen Creek granite.



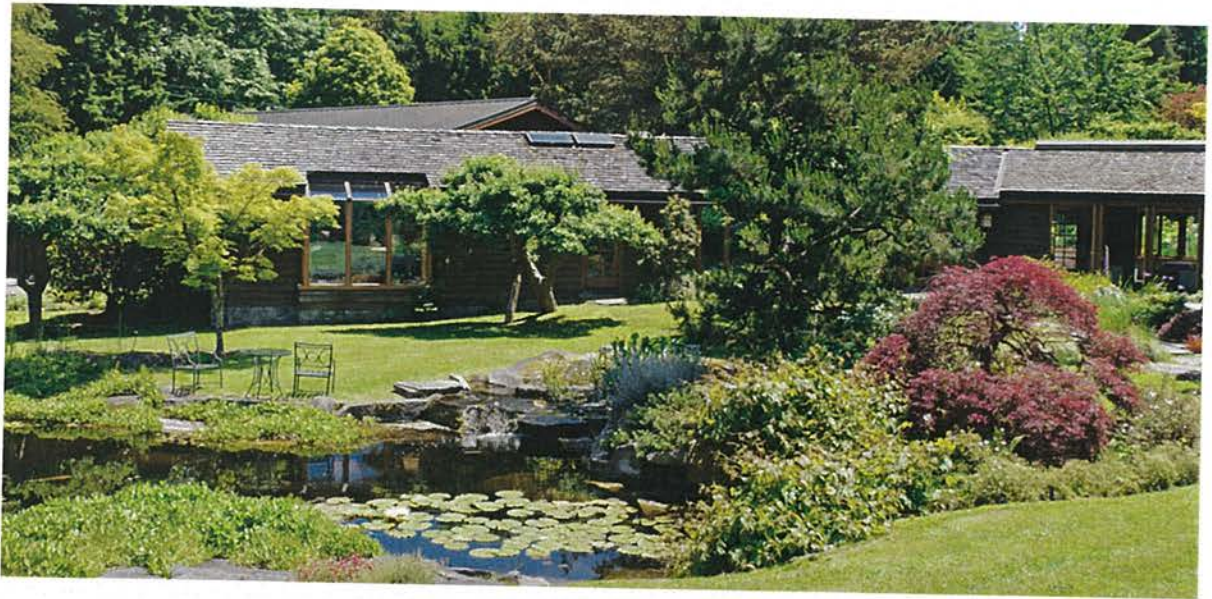
The Marenakos team sets old growth stumps, snags and downed logs around the pond.

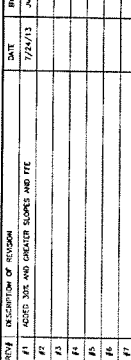
One of the notable elements in the pond is the "hogsback", an arrangement of granite flats occurring naturally in granite fields. The hogsback is a composition of granite stones that form a strong linear shape, rising down the centerline from the upheaval of earth below. The Coval Pond hogsback begins deep in the pond and rises into the landscape above, inviting one to venture out onto the stone itself.

Surrounding the pond is a breathtaking array of plants and trees, including Japanese Maples, Japanese Black Pine, Flowering Dogwood, a specimen Japanese Wisteria, Water Lilies and a rich variety of other specimen plants. A shallow bog to the east supports a gorgeous array of grasses and downed logs. The pond attracts nesting Mallard ducks every spring, as well as Herons, Eagles, and deer. The Japanese Koi and Catfish that thrive in the pond easily escape these natural predators, finding safety in the granite boulders deep in the pond.

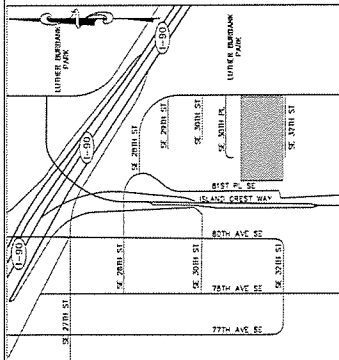
An underground vault holds the pond mechanical systems, consisting of a circulation pump, strainer and isolation valves. The vault also contains electrical for lighting, well pressure tanks, and distribution valves for estate irrigation. The vault is heated and ventilated to assure protection of all enclosed components.

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425.888.1457 dave@davidpauleck.com





AL PROPE
LIMINARY PLAT PL



VICINITY MAP

CONTACTS

CONTACTS

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KIRKLAND, WA. 98040

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PHONE: (425) 453-9501
CONTACT: SCOTT DORFESON, P.E.
PAUL MANZER, P.E.

PROJECT INFORMATION	
ZONING:	R-9.6
TOTAL PARCEL AREA:	221.975 SF (5.1 ACRES)

PROJECT INFORMATION

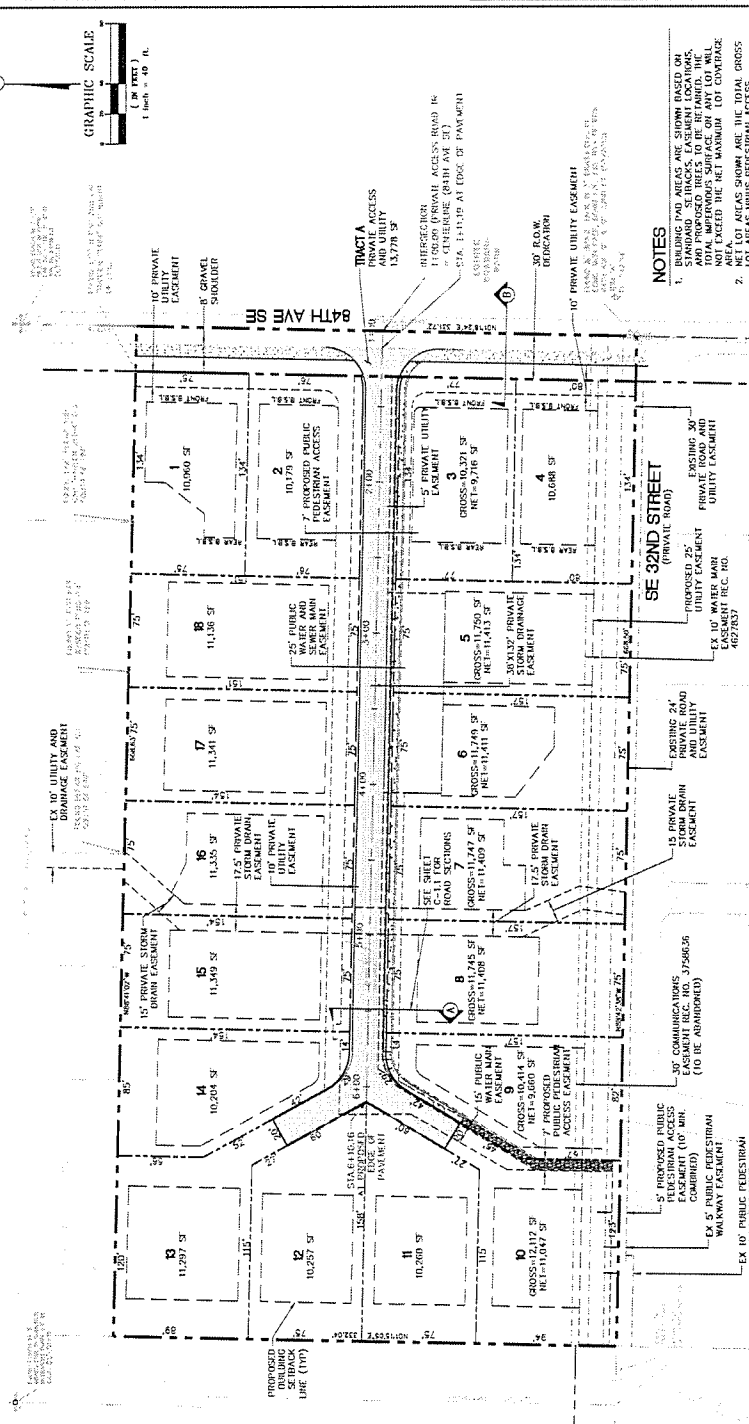
ZONING: R-9.6
TOTAL PARCEL AREA: 221,975 SF (5.1 ACRES)
R.O.W. DEDICATION: 9,952 SF
PRIVATE ACCESS TRACT: 13,778 SF
NET DEVELOPABLE AREA: 198,245 SF (4.55 ACRES)
(TOTAL PARCEL AREA -
ROW DEDICATION -
PRIVATE ACCESS TRACT)

NUMBER OF DAYS

MIN. LOT SIZE:	9,000 SF
MIN. LOT DEPTH:	60'
MIN. LOT WIDTH:	75'
MAX. BUILDING HEIGHT:	30'
MAX. GROSS FLOOR AREA:	40% NET LOT AREA
MAX. LOT COVERAGE:	40% (35.0% < 105') 30% (15.0% < 302') 30% (15.0% > 302'-502')
MAX. PARCEL NUMBER:	122/0439010
SECTION:	20'
TOWNSHIP:	25'
RANGE:	103N (5' MIN)
FROM PUBLIC ROW:	10 MIN

LEGAL DESCRIPTION

THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 24 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON.



NOTES

1. BUILDING PAD AREAS ARE SHOWN BASED ON STANDARD SETBACKS, EASEMENT LOCATIONS, AND PROPOSED TREES TO BE RETAINED. THE TOTAL IMPERVIOUS SURFACE ON ANY LOT WILL NOT EXCEED THE NET MAXIMUM LOT COVERAGE AREA.
2. NET LOT AREAS SHOWN ARE THE TOTAL GROSS LOT AREAS MINUS PEDESTRIAN ACCESS EASEMENTS.

DATUM/BASIS OF BEARINGS

FIELD LOG/NOTES: ALONG THE EAST LINE OF THE EAST LINE OF THE HIGHWAY SEC. 17-24-4 PER GPS OBSERVATION.
 COORDINATING BENCHMARK: QUARTER CORNER OF MERCER ISLAND MONUMENT DISSEMINATION #1015, 1/2 BRASS CAP IN 4"x4" CONCRETE POST IN CASE.
 GEODETIC DATUM: NAD83, ELEVATION: 85.16'
 TEMPORARY BENCHMARKS: TBM "A", TOP OF MONUMENT IN CASE AT QUARTER CORNER CORNER SEC. 17-24-4, ELEVATION 242.5'

SHEET INDEX

- | | | |
|----|-------|---------------------------------------|
| 01 | CV-01 | COVER SHEET/PRELIMINARY PLAT MAP |
| 02 | SV-1 | TOPOGRAPHIC MAP |
| 03 | C-1.0 | PRELIMINARY GRADING AND DRAINAGE PLAN |
| 04 | C-1.1 | PRELIMINARY ROAD PROFILES & SECTIONS |
| 05 | C-2.0 | PRELIMINARY UTILITY PLAN |
| 06 | I-1.0 | TRAIL INVENTORY/REVISION PLAN |

LEGEND

- | | | | |
|---------------------------|-------------------|-------------------|-----------------|
| PROPOSED LOT LINE | PROPOSED PAVEMENT | PROPOSED SIDEWALK | PROPOSED GRAVEL |
| PROPOSED R.O.W. | PROPOSED ASPHALT | | |
| PROPOSED DRAINING | | | |
| PROPOSED LOT LINE | | | |
| PROPOSED CENTER LINE | | | |
| PROPOSED B.S.B.L. | | | |
| PROPOSED CURB | | | |
| PROPOSED EASEMENT | | | |
| PROPOSED ASPHALT PAVEMENT | | | |

3. LEGAL ANALYSIS

ARAMBURU & EUSTIS, LLP

Attorneys at Law

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January 15, 2014

MERCER ISLAND PLANNING COMMISSION

City of Mercer Island
City of Mercer Island
9611 S.E. 36th Street
Mercer Island, Washington 98040

Re: Coval Plat: City of Mercer Island File Nos. SUB13-009 and SEP13-031 MDNS
Legal Analysis

Dear Planning Commission Members:

This office presents Mercer Island Friends of Responsible Neighborhood Development ("Friends"), an unincorporated committee of residents concerned with the development of the Coval property.

The Coval property is located at 3051 84th S.E. It has been in single ownership as a residential property for more than 100 years. Currently it is improved with a magnificent home that was lovingly built by Myer and Barbara Coval beginning in the late 1970s. Recently, the Covals have decided to sell the property. Though originally the Covals sought a buyer to purchase the property and retain the existing home, more recently, they have agreed to sell to a Canadian Company. That company has applied to the City for a preliminary plat, using PacLand as the developer.¹

In this letter, we will address the various state statutes and local regulations that regulate development of this property. These include the State Subdivision Statute found at RCW chap. 58.17, which provides basic guidance and sets rules for approval of subdivisions. The Washington State Environmental Policy Act, RCW chap. 43.21C establishes rules for environmental protection.

On the local level, several provisions of the Mercer Island Municipal Code ("MICC")

¹ According to its website, PacLand is the developer and engineer for Walmart and Cabela stores in the west. The website shows only one single family development, a plat in the Bremerton area.

apply to this development: a) Storm Water Management Program under MICC chap. 15.09; b) Design Standards for Plat Development in MICC 19.08.030; c) Comprehensive Plan conformity as required by MICC 19.08.030.

RCW chapter 58.17 places responsibility on the Planning Commission and City Council to make certain findings before a subdivision can be approved. RCW 58.17.110. Subdivision cannot be approved if adequate provision is not made for certain conditions:

58.17.110. Approval or disapproval of subdivision and dedication--Factors to be considered--Conditions for approval--Finding--Release from damages

(1) The city, town, or county legislative body shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine: (a) If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) whether the public interest will be served by the subdivision and dedication.

(2) A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that: (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication. If it finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the legislative body shall approve the proposed subdivision and dedication. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees imposed under RCW 82.02.050 through 82.02.090 may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat. No dedication, provision of public improvements, or impact fees imposed under RCW 82.02.050 through 82.02.090 shall be allowed that constitutes an unconstitutional taking of private property. The legislative body shall not as a condition to the approval of any subdivision require a release from damages to be procured from other property owners.

(Emphasis supplied.) These factors are also incorporated into the provisions of the Mercer Island subdivision code at 19.08.020(F)(1): the code requires that any

subdivision meet public interest standards before a proposal can be approved.

In addition, the State Environmental Policy Act, RCW 43.21C (SEPA) allows local governments to place conditions on projects based on environmental impacts in project documentation. For example, SEPA calls for the maintenance of "aesthetically pleasing surroundings." RCW 43.21C.020(2)(b). SEPA also directs that the SEPA goals for a healthful environment and the protection of environmental quality are "supplementary to those set forth in existing [agency] authorizations." RCW 43.21C.060. Indeed, the Mercer Island SEPA ordinance sets forth the policies of the city as follows:

MICC 19.07.120(S)(4)

4. The city designates and adopts by reference the following policies as the basis for the city's exercise of authority pursuant to this section:

- a. The city shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:
 - i. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
 - ii. Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
 - iii. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
 - iv. Preserve important historic, cultural, and natural aspects of our national heritage;
 - v. Maintain, wherever possible, an environment which supports diversity and a variety of individual choice;
 - vi. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities;
 - vii. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

All of these policies serve as the basis for conditions to be placed on the Coval plat. Conditions recommended by Friends are found under Tab 11.

I. STEEP SLOPE AREAS SHOULD BE PRESERVED.

As described in these materials, the Coval property contains steep slopes and landslide hazard areas in two portions of the site. First, there are very steep slopes that exist on the far west side of the site, which continue offsite to properties downhill further to the west. This steep embankment is currently covered by old growth vegetation. Topographic information submitted by the applicant shows a top of ridge located

approximately 75 feet from the westerly property line. See topography map under Tab 2. Secondly, the topography map of the site shows that steep slopes exist in the center of the site on either side of a wetland and watercourse.

The applicant's plans show the removal of trees on these steep slopes and landslide hazard areas and the extension of building pads into these locations. Grading in this area, together with the removal of trees, is inconsistent with several provisions of subdivision regulations and should not be allowed.

First, MICC 19.08.030.F establishes "Design Standards for Special Conditions." Subsection 2 provides that:

- 2. Where critical areas meeting the criteria set out in Chapter 19.07 MICC are present within the subdivision, the code official or city council may:*
- a. Require that certain portions of the long subdivision or short subdivision remain undeveloped with such restrictions shown on the official documents;*
 - b. Increase the usual building set-back requirements; and/or*
 - c. Require appropriate building techniques to reduce the impact of site development.*

(Emphasis supplied.) In addition, the Planning Commission must consider terms of the Mercer Island Comprehensive Plan as required by MICC 19.08.030.A which provides:

The proposed subdivision shall comply with arterial, capital facility and land use elements of the comprehensive plan;

(Emphasis supplied.) In the Land Use Element of the Comprehensive Plan, for areas outside Town Center, the Plan requires:

- 4. Ongoing protection of environmentally sensitive areas including steep slopes, ravines, watercourses, and shorelines is an integral element of the community's residential character.*

(Emphasis supplied.) A more detailed discussion of these elements is found under Tab 8, expert analysis provided by land use planner Robert W. Thorpe.

The need to protect open space, vegetation and topography is further reinforced by the Design Standards for Areas Outside Town Center under MICC chap. 19.12.²

² As noted in Tab 4, the City staff has failed to submit this plat to the Design Commission for review under those standards, which is a fundamental error in processing this application.

Standards for these areas include the following:

19.12.020 Site features and context.

A. Objectives.

- 1. To encourage design that respects natural landforms, mature trees, and sensitive areas and uses them to provide project identity.*
- 2. To ensure site design is approached in a systematic and unified manner that takes advantage of inherent opportunities and complies with specific standards for building location and orientation.*
- 3. To link open space and recreation areas, where feasible, with public open space, parks, and trails.*
- 4. To encourage building and site designs that use natural elements which link new or modified development to the neighborhood.*
- 5. To promote functional and visual compatibility and better transitions between different uses, adjacent neighborhoods, and between development and natural features*

Additional standards include the following:

19.12.020 "Site features and context."

B. Standards.

1. Site Features.

a. Landforms. Design and layout of the site should incorporate natural landforms such as trees, topography and water courses into proposed developments. Cut and fill should be minimized and preservation of mature trees should be maximized, particularly adjacent to project boundaries and steep slopes. Natural contours should be respected and retained where feasible.

2. Sloped or Hillside Development.

a. Building development should generally occur on the least steep portions of the site in order to conserve the more fragile areas for landscaping or general open space.

b. Structures built on substantial slopes or hillsides should be designed to minimize their visual impact on surrounding areas. Ridgelines of major slopes should not be broken by structures or loss of vegetative cover. Acceptable methods to integrate structures into the hillside include, but are not limited to, height control, stepped construction, muted earth tone colors, and tree preservation.

These provisions mandate a plat condition to protect the steep slope and landslide areas found on the property (as described on the topographic map). This condition is a modest one. The applicant has provided only a 25 foot setback, the minimum required by the code from the property line. The condition should extend the protection area an additional 30 to 45 feet across the west side of the property. This is

graphically shown on maps under Tabs 8 and 11. Further, the steep slopes near the center of the site, adjacent to the wetland and stream course, should be protected. The existence of the stream course is confirmed by the report prepared by certified ecologist Scott Luchessa found at Tab 6. It is important to note that the proposal contains no open space or recreation area of any kind and completely fills the available land area with houses.

II. OPEN SPACE SHOULD BE PROVIDED ON THE PLAT BY RETENTION OF THE POND AND ADJACENT BOG.

As noted on the Covalhouse.com website, there is a unique koi pond and adjacent bog area that was constructed by the Covals on the property. Those features are shown on the topographic map attached hereto. This area is also described under Tab 2.

Under the terms of the state subdivision statute, retention of "open space" and "parks and recreation" are matters that require consideration. See RCW 58.17.110 cited above. Under design standards for areas outside the town center, MICC 19.12.040 requires design features and landscaping to be considered, including the following objectives:

19.12.040 Landscape design and outdoor spaces.

A. Objectives.

1. To ensure that landscape design reinforces the natural and wooded character of Mercer Island, complements the site, the architecture of site structures and paved areas, while enhancing the visual appearance of the neighborhood.

...

4. To ensure suitable natural vegetation and landforms, particularly mature trees and topography, are preserved where feasible and integrated into the overall landscape design. Significant trees and tree stands should be maintained in lieu of using new plantings.

As is seen by the photographs under Tab 2, the Koi pond and surrounding gardens are current features of the site. However, the proposed plat intends to bulldoze these features. Indeed, the proposal includes no open space or common feature of any kind; the proposal is all streets, driveways and potential houses.

The koi pond and its surroundings should be retained as project features offering open space as well as passive recreation area for the eventual residents of the plat.

III. THE APPLICANT SHOULD BE REQUIRED TO PREPARE A TRAFFIC IMPACT ANALYSIS.

If the Coval plat is approved, there will be 18 new homes built which will create

new vehicular traffic, which will impact adjacent streets. Given the location, it is likely that substantial size, expensive homes will be built (the project developer estimates that each home would be valued at \$2,000,000).

The project developer has submitted a letter from its traffic consultant (Transportation Engineering Northwest or "TENW") that indicates there will be approximately .9 vehicular trips per lot and one peak hour trip per home. This report relies on the provisions of the ITE Trip Generation Manual, 9th edition. We believe that these estimates are in error based on the proposed development and its location.

Under the terms of the MICC, each single family dwelling must have at least three parking spaces sufficient to park a passenger vehicle under MICC 19.02.020.F. Surveys conducted by the neighbors indicate that the homes in the community have 2-3 vehicles per house. See Tab 7. Given the value, the anticipated size and the location of the homes, it is anticipated that these houses proposed for the Coval plat will have as many or more vehicles per residence. Accordingly, the appropriate trip generation figures should be based on peak hour trips per vehicle as provided in the ITE manual (see Tab 7). The manual proscribes .67 peak hour trips per vehicle based on multiple studies. With two vehicles per residence, there would be 24 or more peak hour trips, which would require a Traffic Impact Study.

IV. TRAFFIC AND TRANSPORTATION CONDITIONS SHOULD BE INCLUDED IN ANY CONSIDERATION OF THIS PROPOSAL.

As noted above, under the subdivision ordinance of the City, the Planning Commission "shall review the proposed long subdivision for its conformance with the requirements of MICC 19.08.030, the comprehensive plan and other applicable development standards." MICC 19.08.020(F)(3)(a).

There are several comprehensive plan goals and objective that apply to this proposal, including the following:

6.4 In the project development review process, the City of Mercer Island will evaluate transportation implications including:

- congestion and level of service;
- connectivity of transportation facilities and services from a system perspective;
- transit requirements for travelers and for transit operators;
- facilities and needs for travel by non motorized travel modes; and
- potential density bonuses in return for inclusion of transit supportive actions.

....

6.6 As part of a project's SEPA review, the City shall review the project's impact on transportation and may require mitigation of on-site and off-site

transportation impacts.

6.10 The City recognizes that travel by single occupant vehicle is, and for the foreseeable future may continue to be, the dominant mode of transportation. The City will require adequate parking and other automobile facilities to meet anticipated demand generated by new development.

(Emphasis supplied). As applied here and discussed under Tab 7, several transportation related Conditions must be included in any action by the Planning Commission or Council. Given the lack of pedestrian or bike facilities on 84th S.E., any approval of this plat should include requirements to build out sidewalk and bike lanes. Also as discussed under Tab 7, the proposed subdivision proposes a narrow and substandard street, which does not allow for parking or adequate circulation. Overflow parking may impact adjacent properties and this intended street should be widened to allow for parking on at least one side.

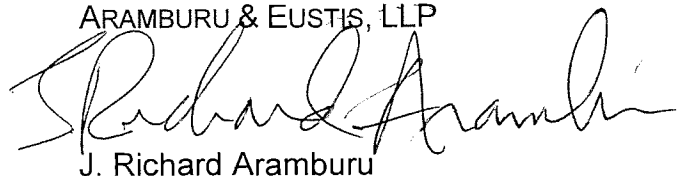
State statutes, including the subdivision statute and SEPA, and local Mercer Island codes require that the Planning Commission and Council take appropriate steps to condition the Coval plat. The proposed plat provides no public or private amenities or common features either for future plat residents or the surrounding neighborhood: essentially, the site will be largely bulldozed and the magnificent house and gardens will be destroyed. Limited protections for important features of the property should be established. Friends does not seek denial of the proposed plat, but the placement of conditions to assure that the plat meets identified standards for design and environmental protection.

A list of the recommended actions and conditions is included under Tab 11 of this notebook. Each condition is support by substantial evidence as found in the hearing record and in presentations in the notebook. These actions and conditions are considered the minimum necessary to allow this proposal to be approved.

Thank you in advance for your consideration of our views and the time that has been, and will be, spent on this important project.

Sincerely yours,

ARAMBURU & EUSTIS, LLP



J. Richard Aramburu

4.

CRITICAL AREA DETERMINATION/DESIGN REVIEW

Prior to the public hearing before the Planning Commission, counsel for Friends wrote to City staff requesting compliance with procedural requirements of the MICC in two areas.

First, we pointed out that the City made a Critical Area Determination on June 20, 2013 that failed to follow the procedural requirements for such actions as set forth in the MICC.

Second, we sent separate communications demonstrating that the City has failed to follow design review requirements under MICC chapter 19.12.

Copies of the correspondence, together with City responses, are included in this tab, separated by a blue divider.

ARAMBURU & EUSTIS, LLP

Attorneys at Law

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November 7, 2013

Shana Crick
Planner
City of Mercer Island Development Services Group
9611 ~~9811~~ S.E. 36th Street
Mercer Island, Washington 98040

Re: CAO 13-002, Coval Property at 3051 84th Avenue SE

Dear Ms. Crick:

This office represents Dr. Richard and Deborah Ferse, 3203 84th Ave. S.E., and Linda Chaves, 8265 S.E. 30th Place on Mercer Island. My clients have asked me to write concerning development applications for the 5.1 acre Coval property identified above.

We understand that the City has received applications for development at this location, including an application for a Critical Area Determination and for a Preliminary Plat for 18 lots on the property. For the reasons stated below, we believe that any consideration of a preliminary plat is premature because of the failure of the City to follow established procedures for the Critical Area Determination.

I. CRITICAL AREA DETERMINATION.

Mercer Island City codes allow a property owner to seek a "Critical Area Determination" as to the existence or extent of critical areas such as watercourses or wetlands. The decision authority for a Critical Area Determination is outlined in the Mercer Island Unified Land Development Code (in the Mercer Island Municipal Code or "MIMC") at Section 19.15.010(E).

Under the section Chapter 19.07 of the Mercer Island Municipal Code, a Critical Area Determination requires public notice:

19.07.020 General provisions.

....
B. Public Notice – Critical Area Determination. A critical area determination

requires public notice pursuant to MIMC 19.15.020(E) and this action may be appealed to the planning commission.

This is confirmed by Section 19.15.010(E) which reiterates the foregoing. Under MIMC 19.15.020(E)(2), public notice "shall be provided 10 days prior to the decision on the application." Notice is to be mailed to "all property owners within 300 feet of the property and posted on the property." MIMC 19.15.020(E)(4)(a). The notice shall describe the action to be taken by the City. MIMC 19.15.020(E)(3(a). Persons who comment on the proposal are entitled to notice of the decision made on the application and an appeal may be made to the Mercer Island Planning Commission within 14 days of the date of the decision.

The Covals, the owners of the property at 3051 8th Avenue S.E. filed a "Development Application" for a Critical Area Determination on April 3, 2013 and paid the City a \$2,073.39 application fee. In a letter attaching the application, the applicant's "Project Manager" Scott Borgeson indicated the applicant intended to construct a "single family residential development" on the parcel. These application materials are attached hereto as Exhibit A. The letter went on to say that although the City's Watercourse Type Map indicated a type 2 watercourse on the west side of the property, it was "our opinion that no such watercourse exists." The letter concluded that:

We are seeking confirmation that the city agrees with this determination so that we can proceed with preparing preliminary plat application documents based on the site development plan.

In the Critical Area Determination application, just above the property owner's signature, a complete description of the required public notice, processing, decision notice and appeal provisions was set forth, as follows:

PUBLIC NOTICE AND REVIEW PROCESS: Critical Area Determinations require public notice in the City Permit Bulletin. The City will provide the applicant a public notice sign to post on the site (subject to a refundable deposit) and will mail the notice to all property owners within 300 feet of the subject property following the Determination of Completeness. The public may provide written comments on the proposal for a minimum of 14 days prior to the decision. A Notice of Decision will be mailed to the applicant and anyone who provides written comments on the proposal. Critical Area Determination decisions may be appealed to the Planning Commission. Appeals must be filed within 14 days following issuance of the Notice of Decision as provided in MIMC 19.15.020(J).

Despite these clear procedures, neither the applicant nor the City provided public notice to nearby residents or other interested parties; no public notice sign was posted on site and there was no mailing to property owners within 300 feet. We have also reviewed the Mercer Island Weekly Permit Bulletins from April 3 to the present and have found

no notice of the Critical Area Determination application, processing or decision.

In our review of City documents, we found that city staff did hire a consultant (The Watershed Company) to provide peer review of the applicant's proposal and prepare a report. Public records show considerable communication between the staff and the applicant on the subject of the Critical Area Determination. Again there was no notice that the City was undertaking review and no opportunity for the public to review the available reports and comment on them.

Eventually, the City made a "Critical Area Determination" which was sent to the applicant on June 18, 2013. A copy of that letter is attached as Exhibit B. The letter describes extensive communications and meetings with the applicant and the applicant's consultant, but does not reference any public notice. The Critical Area Determination stated:

...it can be concluded that the Type 2 watercourse shown on City maps does not meet the definition of "watercourse" pursuant to MIMC 19.16.010(W), and consequently will not be regulated as such.

No notice was given of the City's Critical Area Determination to nearby neighbors and no record of the City's decision is found in the Weekly Permit Bulletin.

In summary, at no time during the application review process did the city staff issue the required public notices that it had received an application, that it was considering the matter, that it was about to make a decision or that a decision had been made. The practical effect of the failure to provide notice was to deny adjoining neighbors the opportunity to comment on this important subject, a right accorded by city code. It made the critical area determination essentially a private matter between city staff and the applicant.

In addition, adjoining owners both above and below the watercourse designated by the City are directly impacted by the city action by possible changes in water flows. Because these actions may impact their property rights, these adjacent persons are entitled to notice of governmental decisions that may affect their property, under such authority as *Olympic Forest Products, Inc. v. Chaussee Corp.*, 82 Wash. 2d 418, 422, 511 P.2d 1002, 1005 (1973):

The fundamental requisites of due process are "the opportunity to be heard," *Grannis v. Ordean*, 234 U.S. 385, 394, 34 S.Ct. 779, 58 L.Ed. 1363 (1914), and "notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections," *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314, 70 S.Ct. 652, 657, 94 L.Ed. 865 (1950).

Property owners impacted by the City's decision are entitled under due process standards to notice of actions that permit major modification of the watercourse adjacent to their property. No such notice was given.

The City needs to take appropriate steps to assure that consideration of the Covals' Critical Area Determination application is consistent with not only Mercer Island codes, but also due process. These steps should include the following. First, rescind the June 18, 2013 Critical Area Determination. Second, provide public notice of the application for the Critical Area Determination as required by the MIMC codes to property owners within 300 feet and by posting on the site. Third, allow a minimum of 30 days for adjoining owners and the public to provide comments on the application for the Critical Area Determination. Fourth, provide notice of any decision on the application for a Critical Area Determination to those that comment on the application. Fifth, accept appeals to the Planning Commission of any Critical Area Determination decision that is made.

We certainly anticipate that the applicant will object to the foregoing remedial procedures. However, the applicant, represented by experienced land use counsel, was well aware of the required procedures and chose to proceed without compliance with them. Washington caselaw makes clear the developer is not entitled to special consideration under such circumstances:

Defendant started the project with full awareness that there were multiple, serious legal obstacles and cannot now claim relief simply because money was expended in the face of an awareness it might not have a legal right to proceed.

We have not been persuaded in the past that because a financial investment is in jeopardy, the public interest should suffer. *Wilbour v. Gallagher*, 77 Wash.2d 306, 462 P.2d 232 (1969) and *Bach v. Sarich*, 74 Wash.2d 575, 445 P.2d 648 (1968).

Eastlake Cmty. Council v. Roanoke Associates, Inc., 82 Wash. 2d 475, 484-85, 513 P.2d 36 (1973). *Eastlake* also establishes another important proposition concerning the administration of land use ordinances:

We have held that:

The acts of administering a zoning ordinance do not go back to the questions of policy and discretion which were settled at the time of the adoption of the ordinance. Administrative authorities are properly concerned with questions of compliance with the ordinance, not with its wisdom.

(Italics ours.) *State ex rel. Ogden v. Bellevue*, 45 Wash.2d 492, 495, 275 P.2d 899, 902 (1954). This rule is of equal force in the administration of a building code. To permit another course of administrative behavior, thereby inviting discretion, may well result in violations of the equal protection of the laws. The

code is positive in its requirements and contains no exceptional procedures like those employed here; hence, no city officer was authorized to permit its violation. The duty of those empowered to enforce the codes and ordinances of the city is to insure compliance therewith and not to devise anonymous procedures available to the citizenry in an arbitrary and uncertain fashion.

Eastlake, 82 Wash. 2d at 482. Mercer Island city codes are absolutely clear as to the procedures to be followed in processing a Critical Area Determination application.

As described above, it is incumbent on the City to rescind its prior Critical Area Determination and follow established procedures. It is far better to correct processing errors at this time, before further processing of other permit applications, rather than risk having to repeat actions later, following administrative or judicial review, when considerably more time and money is spent by all interested parties.

II. COMPLETENESS OF PRELIMINARY PLAT APPLICATION.

As noted above, the City has failed to follow clear procedures for notice and processing of the applicant's Critical Area Determination. The failure of the City to follow its own codes requires that the June 18, 2013 Critical Area Determination for the Coval property be rescinded and that the application be reconsidered after notice and comment requirements are met.

It is also clear that the configuration of the preliminary plat relies on the Critical Area Determination. The applicant's cover letter of April 3, 2013 made clear that the preparation of preliminary plat application documents was dependent on the Critical Area Determination. The actual Critical Area Determination of June 18, 2013 made the same determination:

Therefore, any subsequent development of the above referenced property would not be subject to buffer restrictions associated with regulated watercourses and/or wetland under the current regulations

Accordingly, there should be no further processing of the preliminary plat application until the watercourse issue is resolved. My clients and others who may receive notice of the Critical Area Determination application are likely to challenge the applicant's request for a Critical Area Determination and may appeal the eventual decision to the Planning Commission. If it is determined that a Type 2 Watercourse does exist on the applicant's property, then the preliminary plat must be modified to accommodate the watercourse (or wetland). Related to current processing of the preliminary plat application, no Notice of Completeness can be issued while the Critical Area Determination is outstanding. Once the Critical Area Determination is made following required code procedures, and the presence or absence of the Type 2 Watercourse is finally resolved, then the city can proceed to a notice of complete plat application.

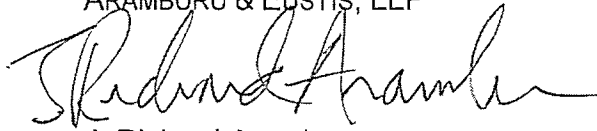
November 7, 2013
Page 6

finally resolved, then the city can proceed to a notice of complete plat application.

Thank you for your consideration of this letter. We look forward to your prompt response to the issues raised in this letter.

Sincerely yours,

ARAMBURU & EUSTIS, LLP



J. Richard Aramburu

JRA:cc

cc: Clients
Mercer Island City Attorney, Katie Knight

CAO13-002

ADDRESS: 3051 84TH AVE SE

PROJECT TYPE: CRITICAL AREAS STUDY

OWNER: COVAL, MEYER

APPLICANT: NORTH BLUFF DEVELOPMENT

(206)769-1888



CITY OF MERCER ISLAND
9611 SE 36th Street • Mercer Island, WA 98040-3732
PHONE (206) 275-7605 • FAX (206) 275-7726
www.mercergov.org • www.mybuildingpermit.com

Development Application

STREET ADDRESS/LOCATION		Zone	OFFICE USE ONLY	
3051 84th Avenue SE / Mercer Island, WA 98040		R-9.6	PERMIT #	RECEIPT #
COUNTY ASSESSOR PARCEL #'S		Parcel size (sq. ft.)	DATE RECEIVED	BY
122404-9010		222,150 SF	4/3/13	Free
				FEE
				\$2,073.59

PROPERTY OWNER	ADDRESS	CELL/OFFICE:
Myer Coval	3051 84th Avenue SE / Mercer Island, WA 98040	N/A
		E-MAIL:
		N/A
PROJECT CONTACT NAME	ADDRESS	CELL/OFFICE:
North Bluff Developments LTD. (Wes Giesbrecht)	15080 North Bluff Road / White Rock B.C. (Canada) V3B 5C1	(206) 769-1888
		E-MAIL:
		atlin@qwestoffice.net
TENANT NAME	ADDRESS	CELL PHONE:
N/A	N/A	N/A
		E-MAIL:
		N/A

DECLARATION: I HEREBY STATE THAT I AM THE OWNER OF THE SUBJECT PROPERTY OR I HAVE BEEN AUTHORIZED BY THE OWNER(S) OF THE SUBJECT PROPERTY TO REPRESENT THIS APPLICATION, AND THAT THE INFORMATION FURNISHED BY ME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SIGNATURE

DATE:

4/2/13

PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):

The project proposes to construct a single-family residential development with a total project area of approx. 5.1-acres. It is located west of Luther Burbank Park at 3051 84th Avenue SE. The single-family lots will be accessed by a private access tract. The purpose of this application is to seek confirmation that the Type 2 Watercourse, as delineated on the City of M.I. Watercourse Type Map, is not a Watercourse per the Critical Area Study performed on March 30 2013 by Watershed Dynamics.

(PLEASE USE ADDITIONAL PAPER IF NEEDED) ATTACH RESPONSE TO DECISION CRITERIA IF APPLICABLE

CHECK TYPE OF USE PERMIT(S) REQUESTED (APPLICABLE):		*A 3% TECHNOLOGY FEE IS INCLUDED IN EACH OF THE FEES BELOW	
APPEALS	DEVIATIONS (CONTINUED)	SUBDIVISION LONG PLAT	VARIANCES
<input type="checkbox"/> Land use \$669.50	<input type="checkbox"/> Setback Critical Areas \$2,073.39	<input type="checkbox"/> 2-3 Lots \$6,913.36	<input type="checkbox"/> Type 1 \$2,765.55
	<input type="checkbox"/> Impervious Surface \$2,074.42	<input type="checkbox"/> 4-5 Lots \$9,678.91	<input type="checkbox"/> Type 2 (Single-Family Only) \$1,530.58
CRITICAL AREAS	<input type="checkbox"/> Shoreline \$2,765.55	<input type="checkbox"/> 6 or greater \$12,443.43	
<input checked="" type="checkbox"/> Determination \$2,073.39	<input type="checkbox"/> Wet Season Construction Moratorium \$846.66	<input type="checkbox"/> Long Plat Amendment \$3,456.68	OTHER LAND USE
<input type="checkbox"/> Reasonable Use Exception \$4,147.81	ENVIRONMENTAL REVIEW (SEPA CHECKLIST)	<input type="checkbox"/> Alteration to Existing \$3,456.68	<input type="checkbox"/> Accessory Dwelling Unit (ADU) \$138.02
	<input type="checkbox"/> Residential \$415.09	<input type="checkbox"/> Final Plat Subdivision \$2,765.55	<input type="checkbox"/> Comp Plan Amendment (CPA) \$3,179.61
DESIGN REVIEW	<input type="checkbox"/> Non-residential \$1,382.26	SUBDIVISION SHORT PLAT	<input type="checkbox"/> Conditional Use Permit (CUP) \$5,531.10
<input type="checkbox"/> Review of sign & colors \$331.66	<input type="checkbox"/> Environmental Impact St. \$2,074.42	<input type="checkbox"/> Two Lots \$3,456.68	<input type="checkbox"/> Lot Line Rev.-Minor \$2,074.42
<input type="checkbox"/> \$0-5,000 \$553.11	SHORELINE MANAGEMENT	<input type="checkbox"/> Three Lots \$4,147.81	<input type="checkbox"/> Lot Line Rev.-Major \$3,456.68
<input type="checkbox"/> \$5,001-25,000 \$1,382.26	<input type="checkbox"/> Exemption \$138.02	<input type="checkbox"/> Four Lots \$4,838.94	<input type="checkbox"/> Lot Line Consolidation \$691.13
<input type="checkbox"/> \$25,001-50,000 \$2,074.42	<input type="checkbox"/> Permit Revision \$553.11	<input type="checkbox"/> Variance / Acreage Limitation \$691.13	<input type="checkbox"/> Lot Line Amendment \$1,037.21
<input type="checkbox"/> Over \$50,000 \$3,179.61	<input type="checkbox"/> Recreation-modify \$553.11	<input type="checkbox"/> Short Plat Amendment \$1,728.34	<input type="checkbox"/> Rezoning Action \$3,456.68
DEVIATIONS	<input type="checkbox"/> Recreation-new \$1,382.26	<input type="checkbox"/> Alteration to Existing \$1,728.34	<input type="checkbox"/> Right-of-Way Encroachment Agreement \$400.78
<input type="checkbox"/> Changes/antenna \$1,382.26	<input type="checkbox"/> Substantial Dev. Permit \$1,382.26		<input type="checkbox"/> Zoning Code Text Amendment \$3,179.61
<input type="checkbox"/> Change to Open Space \$1,382.26			
<input type="checkbox"/> Fence Height \$691.13			

FOR CITY USE ONLY - DO NOT WRITE BELOW THIS LINE

SEPA CATEGORICALLY EXEMPT:	<input type="checkbox"/> YES <input type="checkbox"/> NO	PERMIT FEE:	_____
SEPA CHECKLIST REQUIRED:	<input type="checkbox"/> YES <input type="checkbox"/> NO	PERMIT FEE:	_____
		TOTAL FEES:	_____

11711 S.E. 8TH STREET
SUITE 303
BELLEVUE, WA 98005

T 425.453.9501
F 425.453.8208
WWW.PACLAND.COM



April 3rd, 2013

Shana Crick
City of Mercer Island
9611 SE 36th Street
Mercer Island, WA 98040

Subject: Coval Property - Critical Area Determination

Dear Ms. Crick,

The purpose of this letter is to provide a written description and summary of the proposed project that requires the Critical Area Determination.

The project proposes to construct a single-family residential development on a parcel with a total project area of approximately 5.1-acres. The parcel number included in this project is 122404-9010. It is generally located west of Luther Burbank Park at 3051 84th Avenue SE. The parcel is zoned R-9.6. The property is currently developed with a large single-family home with accessory structures and landscape features. Lot sizes will be designed per city of Mercer Island code.

Per the City of Mercer Island Watercourse Type Map, there appeared to be a type 2 watercourse located on the west side of the subject property. As explained in the Critical Area Report prepared by Watershed Dynamics dated March 30, 2013, it is our opinion that no such watercourse exists.

We are seeking confirmation that the city agrees with this determination so that we can proceed with preparing preliminary plat application documents based on this site development plan. If you would like to discuss this request further with me, please contact me at (425) 453-9501, x1528 or sborgeson@pacland.com.

Sincerely,

A handwritten signature in black ink, appearing to read "SB", followed by a horizontal line.

Scott Borgeson, P.E.
Project Manager



CITY OF MERCER ISLAND
9611 SE 36th Street • Mercer Island, WA 98040-3732
PHONE (206) 275-7605 • FAX (206) 275-7726
www.mercergov.org

Critical Area Determination

Submittal Requirements and criteria for an administrative action by the code official pursuant to MICC 19.15.010(E) to allow reduction or averaging of a wetland or watercourse buffer.

FEES: See Development Application form for fee information

The reduction or averaging of a watercourse or wetland buffer requires a Critical Area Determination. The decision authority for a Critical Area Determination is the Code Official as outlined in the Mercer Island Unified Land Development Code Section 19.15.010(E), Administrative Actions. The decision will be made following mailing of a public notice to residents within 300' of the subject property and posting of the site, by the applicant, with a City furnished sign in a location on the property and visible to the public right-of-way. If a buffer reduction or averaging through a Critical Area Determination permit does not provide the necessary relief, then a property owner may apply for a Reasonable Use Exception (19.07.030(B)), which requires a public hearing in front of the Hearing Examiner. Please also see the Critical Area Setback Deviation [MICC 19.02.020(C)(4)].

PRE-APPLICATION: Applicants are required to participate in a pre-application meeting with City staff, per MICC 19.09.010(A). Call Development Services staff to schedule a pre-application meeting. Meetings with the staff provide an opportunity to discuss the proposal in conceptual terms, identify the applicable City requirements and explain the project review process. Applicants are encouraged to talk with their neighbors about their proposal. Meetings or correspondence with the neighborhood serve the purpose of informing the neighborhood of the project proposal prior to the formal notice provided by the City.

CRITICAL AREA MAPS: The approximate location and extent of critical areas are shown on Critical Area Maps available for review at the Development Services Group. These maps are to be used as a reference only. The applicant is responsible for determining the scope, extent and boundaries of any critical areas to the satisfaction of the code official through the Critical Area Report per MICC 19.07.020(C). City reference maps do not constitute a decision by the City that a critical area exists or a classification.

APPLICATION MATERIALS: All applications for permits or actions to the City shall be submitted on forms provided by the Development Services Group, including the "Development Application" form. An application shall contain all information required by the applicable development regulations, and shall include the following general information:

1. A clear and concise written description and summary of the proposed project that requires the Critical Area Determination. A Critical Area Determination is required to reduce or average a wetland or watercourse buffer. The description must clearly state the proposed buffer requested (if wetland or watercourse) and such buffer must be within the range identified for the maximum and minimum buffers in MICC 19.07.070 or MICC 19.07.080.

2. A verified statement by the applicant that the subject property is in the exclusive ownership of the applicant, or that the applicant has submitted the application with the consent of all owners of the property.
3. A legal description of the site and parcel number.
4. A Critical Area Study prepared by a qualified professional (e.g. stream/wetland biologist) containing the information identified in MICC 19.07.050, including:
 - A. Site survey prepared by a Washington State licensed surveyor (showing property lines, adjacent right-of-ways, location of existing and proposed structures, etc.) for the subject property.
 - B. Cover sheet and site construction plan.
 - C. Mitigation and restoration plan to include the following information:
 1. Delineation of critical areas and buffers;
 2. Classification of critical areas based on the requirements of MICC 19.07.060, 19.07.070, 19.07.080 and the definitions contained in Chapter 19.16;
 3. If a reduction of buffer is requested, the report must detail the specific mitigations that are proposed, consistent with the list of mitigation options identified in MICC 19.07.070(B)(2) that results in no net loss of critical area function; See details below.
 4. If buffer averaging is requested, the report must address the criteria identified in MICC 19.07.070(B)(3); See details below.
 5. Location of existing trees and vegetation and proposed removal of same;
 6. Location, type, and number of replacement trees and vegetation;
 7. In the case of a wildlife habitat conservation area, identification of any known endangered or threatened species on the site;
 8. Proposed grading;
 9. Description of impacts to the functions of critical areas; and
 10. Proposed monitoring plan. Please see MICC 19.07.040(J).A mitigation and restoration plan may be combined with a stormwater and erosion/sediment control management plan or other required plan. Additional requirements that apply to specific critical areas are located in Watercourses; MICC 19.07.080, Wetlands and MICC 19.07.090, Wildlife Habitat Conservation Areas.
 - D. Stormwater and erosion control management plan consistent with chapter 15.09 MICC. Off-site measures may be required to correct impacts from the proposed alteration.
 - E. Other technical information consistent with the above requirements, as required by the code official.

The critical area study requirement may be waived or modified if the code official determines that such information is not necessary for the protection of the critical area.

BUFFER REDUCTION CRITERIA: All requests to reduce a buffer must detail the specific mitigations that are proposed, consistent with the list of mitigation options identified in MICC 19.07.070(B)(2). The code official may allow the standard buffer

width to be reduced to not less than the minimum width in accordance with an approved critical area study when he/she determines that all of the following apply:

- That a smaller area is adequate to protect the watercourse;
- The impacts will be mitigated by using combinations of the mitigation options;
and
- The proposal will result in no net loss of watercourse and buffer functions*
- However, in no case shall a reduced buffer contain a steep slope

In determining a buffer, the code official may consider the following mitigation options:

- Permanent removal of impervious surfaces and replacement with native vegetation;
- Installation of biofiltration/infiltration mechanisms such as bioswales, created and/or enhanced wetlands, or ponds supplemental to existing storm drainage and water quality requirements;
- Removal of noxious weeds, replanting with native vegetation and 5 year monitoring;
- Habitat enhancement within the watercourse such as log structure placement, bioengineered bank stabilization, culvert removal, improved salmonid passage and/or creation of side channel or backwater areas;
- Use of best management practices (e.g. oil/water separators) for storm water quality control exceeding standard requirements;
- Installation of pervious material for driveway or road construction;
- Use of "green" roofs in accordance with the standards of the LEED Green Building Rating System;
- Restoration of off-site area if no on-site area is possible;
- Removal of sources of toxic material that predate the applicant's ownership; and
- Opening of previously channelized and culverted watercourses on or off-site.

**Please note that the City reserves the right to require third party review of the Critical Area Report prepared by the qualified professional at the applicant's expense to verify conclusions, methods, etc.*

BUFFER AVERAGING CRITERIA FOR APPROVAL: The code official may allow the standard buffer width to be averaged if:

- The proposal will result in a net improvement of critical area function;
- The proposal will include replanting of the averaged buffer using native vegetation;
- The total area contained in the averaged buffers on the development proposal site is not decreased below the total area that would be provided if the maximum width were not averaged;
- The standard buffer width is not reduced to a width that is less than the minimum buffer width at any location; and
- That portion of the buffer that has been reduced in width shall not contain a steep slope.

WATERCOURSE BUFFERS: Standard buffer widths shall be as follows, measured from the ordinary high water mark (OHWM), or top of bank if the OHW cannot be determined through simple non-technical observations. The code official may allow a reduction up to the minimum buffer width as previously described in the criteria.

1. **Type 1 Watercourse.** Watercourses or reaches of watercourses used by fish, or are downstream of areas used by fish.

2. **Type 2 Watercourse.** Watercourses or reaches of watercourses with year-round flow, not used by fish.
3. **Type 3 Watercourse.** Watercourses or reaches of watercourses with intermittent or seasonal flow and not used by fish.
4. **Restored Watercourse.** Any Type 1, 2 or 3 Watercourse created from the opening of previously piped, channelized or culverted watercourses.

Watercourse Type	Standard (Base) Buffer Width (feet)	Minimum Buffer Width with Enhancement (ft)
Type 1*	75	37
Type 2	50	25
Type 3	35	25
Restored or Piped	25	Determined by the code official

* There are no known Category I wetlands in the City.

WETLAND BUFFERS: Standard buffer widths shall be established from the outer edge of wetland boundaries and wetland rating shall be based on the categories set forth in the Washington State Wetland Rating System for Western Washington, Publication #04-06-025 dated August 2004, updated in June 2006 (Version 2). A summary of the classification system is provided below:

1. **Category I Wetlands.** Category I wetlands are those that meet the following criteria:
 - a. Wetlands that are identified by scientists as high quality or high-function wetlands;
 - b. Bogs larger than one-half acre;
 - c. Mature and old-growth forested wetlands larger than 1 acre; or
 - d. Wetlands that are undisturbed and contain ecological attributes that are impossible to replace within a human lifetime.
2. **Category II Wetlands.** Category II wetlands are not defined as Category I wetlands and meet the following criteria:
 - a. Wetlands that are identified by scientists as containing "sensitive" plant species;
 - b. Bogs between one-quarter and one-half acre in size; or
 - c. Wetlands with a moderately high level of functions.
3. **Category III Wetlands.** Category III wetlands do not satisfy Category I or II criteria, and have a moderate level of functions. These wetlands generally have been disturbed in some ways, and are often less diverse or more isolated from other natural resources than Category II wetlands.
4. **Category IV Wetlands.** Category IV wetlands do not satisfy Category I, II or III criteria; and have the lowest level of functions; and are often heavily disturbed.

Wetland Type	Standard (Base) Buffer Width (feet)	Minimum Buffer Width with Enhancement (ft)
Category I	100	50
Category II	75	37
Category III	50	25
Category IV	35	25

PUBLIC NOTICE AND REVIEW PROCESS: Critical Area Determinations require public notice in the City Permit Bulletin. The City will provide the applicant a public notice sign to post on the site (subject to a refundable deposit) and will mail the notice to all property owners within 300 feet of the subject property following the Determination of Completeness. The public may provide written comments on the proposal for a minimum of 14 days prior to the decision. A Notice of Decision will be mailed to the applicant and anyone who provides written comments on the proposal. Critical Area Determination decisions may be appealed to the Planning Commission. Appeals must be filed within 14 days following issuance of the Notice of Decision as provided in MICC 19.15.020(J).

Application for a Critical Area Determination involves substantial time, expense, and risk for a property owner. Application does not guarantee approval. Request must meet difficult criteria, and applicants are proceeding "at their own risk".

M. L. Goral

Signature of property owner

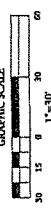
4-2-2013

Date
APRIL

3051-84th Ave. S.E. MERCER ISLAND, WA 98040

Site Address

GRAPHIC SCALE



LEGAL DESCRIPTION

THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 12, TWP. 24N., RGE. 4E., W3M. CITY OF MERCER ISLAND, KING COUNTY, WASHINGTON.

VERTICAL DATUM

VERTICAL DATUM: NAVD 83
VERTICAL DATUM: MGS 85
VERTICAL DATUM: MGS 85

LEGEND

POWER JUNCTION BOX
TELECOMMUNICATIONS JUNCTION BOX
CITY STREET W/ TRANSFORMER
POWER POLE W/ TRANSFORMER
A UNDERGROUND CONDUIT
E UNDERGROUND CONDUIT
SANDWICH SERIES MANHOLE
CATCH BASIN
CATCH BASIN
FIRE HYDRANT
FIRE HYDRANT
WATER VALVE
WATER VALVE
WELL
WELL
FUEL PUMP
MAIL BOX
COURTNEY
POST
SET BENCHMARK
FLOOD WARNING IN CASE
FLOOD WARNING AND CAP AS NOTED
FLOOD LINE
SANDWICH SERIES LINE
OVERHEAD TELECOMMUNICATIONS LINE
TELECOMMUNICATIONS
CITY WIRE
WOOD PILE LINE
SPOT RAIL FENCE LINE
CONCRETE PAVING
ASPHALT PAVING
PAVED
GRAVEL/DIRT SURFACE
STONE PAVING
FLASSTONE PAVING

NOTES

THIS MAP IS PART OF AN Ongoing SURVEY. THERE ARE NO OTHER SURVEYS. THIS MAP IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR.

RECEIVED

APR 03 2010
CITY OF MERCER ISLAND
DEVELOPMENT SERVICES

Axis

Survey & Mapping
10000 1st Ave NW
Bellevue, WA 98005
TEL: 425-455-5001
FAX: 425-455-5002
WWW.AXIS-SURVEY.COM

PACLAND

11711 SE 8th St.
Suite 303
Bellevue, WA 98005
www.pacland.com

BOUNDARY AND TOPOGRAPHIC SURVEY

OF

3501 84TH AVE SE

SE 1/4, NE 1/4, SEC. 12, TWP. 24N., RGE. 4E., W3M.

CITY OF MERCER ISLAND, KING COUNTY, WASHINGTON

RECEIVED

APR 03 2010

CITY OF MERCER ISLAND

DEVELOPMENT SERVICES

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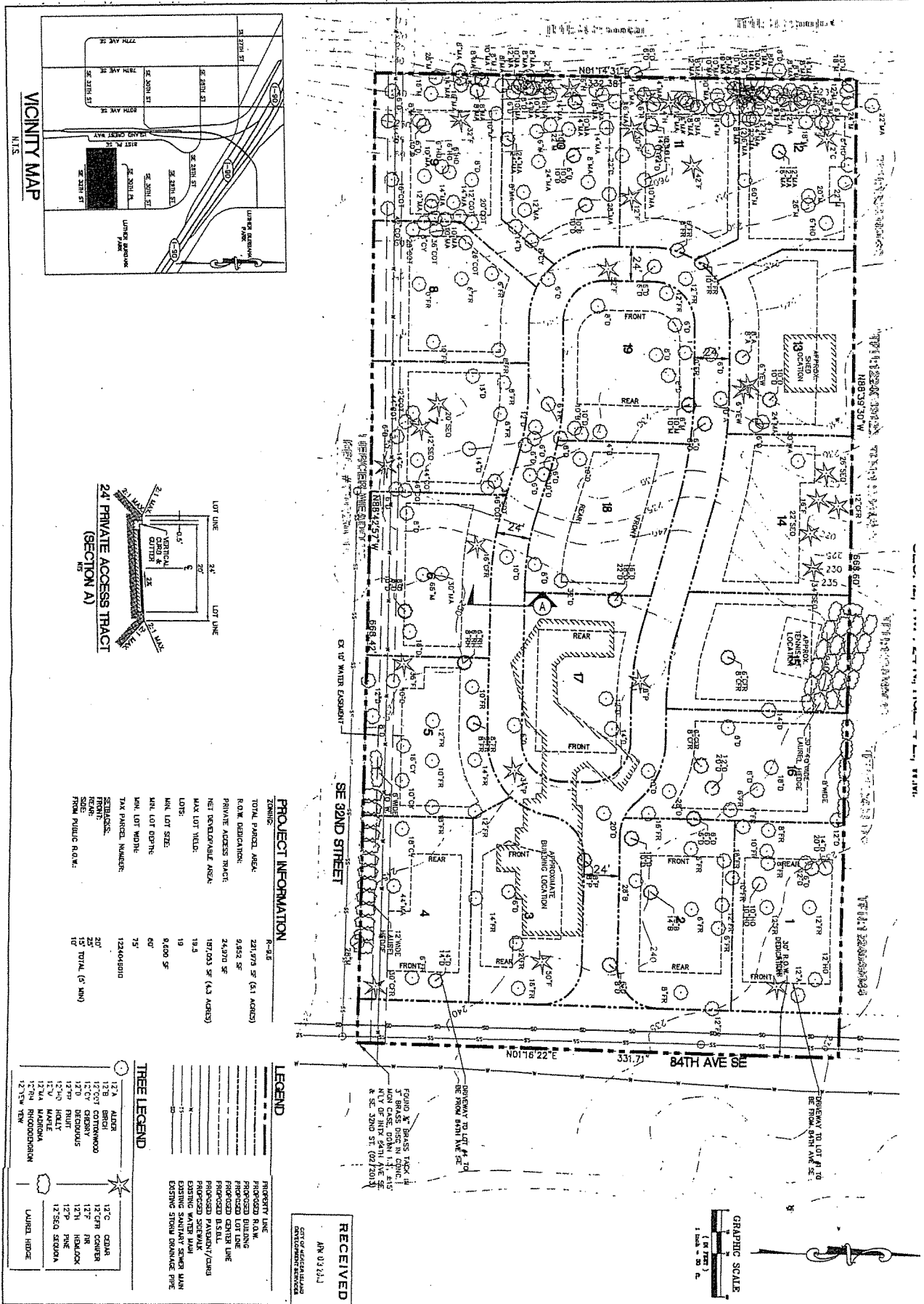
www.pacland.com

Axis

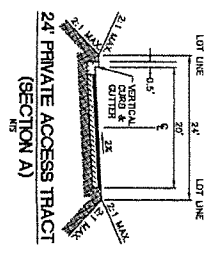
Survey & Mapping

10000 1st Ave NW

Bellevue, WA 98005



VICINITY MAP
N.T.S.



PROJECT INFORMATION

OWNER:	R-345
TOTAL PARCEL AREA:	221,972 SF (6.1 ACRES)
R.O.W. DEDICATION:	9,682 SF
PRIVATE ACCESS TRACT:	24,970 SF
NET DEVELOPABLE AREA:	197,003 SF (4.3 ACRES)
MAX LOT YIELD:	19.3
MIN. LOT SIZE:	9,600 SF
MIN. LOT DEPTH:	60'
MIN. LOT WIDTH:	75'
TAX PARCEL NUMBER:	122444900
STREETS:	
FRONT:	20'
REAR:	20'
FROM PUBLIC R.O.W.:	10'

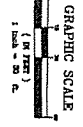
TREE LEGEND

12" A	ALDER	13" C	COYAR
12" B	BIRCH	13" D	DOGWOOD
12" C	CHERRY	12" E	ELM
12" D	DOGWOOD	12" F	HICKORY
12" E	ELM	12" G	HOLLY
12" F	HICKORY	12" H	MAPLE
12" G	HOLLY	12" I	REDWOOD
12" H	MAPLE	12" J	SPRUCE
12" I	REDWOOD	12" K	YEW
12" J	SPRUCE		
12" K	YEW		

LEGEND

PROPERTY LINE	PROPOSED R.O.W.
PROPOSED LOT LINE	PROPOSED LOT LINE
PROPOSED CENTER LINE	PROPOSED CENTER LINE
PROPOSED B.S.L.	PROPOSED B.S.L.
PROPOSED PARKING/DRIVE	PROPOSED PARKING/DRIVE
EXISTING SANITARY SEWER MAIN	EXISTING SANITARY SEWER MAIN
EXISTING STORM DRAINAGE PIPE	EXISTING STORM DRAINAGE PIPE

RECEIVED
APR 03 2013
OFFICE OF THE CLERK
COUNTY OF KING
SEATTLE, WA 98101



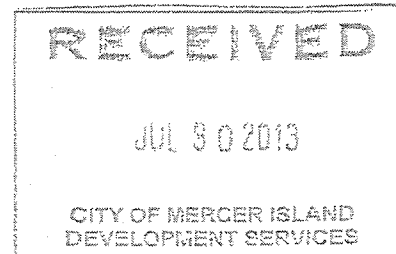


CITY OF MERCER ISLAND

9611 SE 36th Street • Mercer Island, WA 98040-3732
(206) 275-7605 • FAX (206) 275-7726
www.mercergov.org

June 18, 2013

Wes Giebrecht
North Bluff Developments, Ltd.
15080 North Bluff Road
White Rock BC V3B 5C1



RE: File No. CAO13-002 – Coval Critical Areas Determination

3051 84th Avenue SE, Mercer Island WA 98040;
King County Parcel No. 122404-9010

Dear Wes Giebrecht:

On April 3, 2013, the City received an application for a Critical Areas Determination (file number CAO13-002) to establish whether a watercourse is located on the above referenced property. City maps indicate that there is a Type 2 watercourse that runs from south to north across the center of the subject property. The watercourse is then shown to continue to the north into a pipe (Enclosure 1). Pursuant to Mercer Island City Code (MICC) 19.07.020(C), City maps are to be used for reference only. MICC 19.07.020(C) states "the applicant is responsible for determining the scope, extent and boundaries of any critical areas to the satisfaction of the code official." The applicants submitted to the City a "Critical Areas Review" dated March 30, 2013 and performed by Larry Burnstad of Watershed Dynamics (Enclosure 2). The report evaluated the site to determine whether the potential watercourse on the subject property met the following definition of "watercourses" in MICC 19.16.010(W):

A course or route, formed by nature and generally consisting of a channel with a bed, banks, or sides throughout substantially all its length, along which surface waters, with some regularity (annually in the rainy season), naturally and normally flow in draining from higher to lower lands. This definition does not include irrigation and drainage ditches, grass-lined swales, canals, storm water runoff devices, or other courses unless they are used by fish or to convey waters that were naturally occurring prior to construction.

The applicant's critical areas report concluded that there was not a watercourse either on or immediately adjacent to the Coval property (Enclosure 2, page 13).

As this application for a Critical Areas Determination was submitted ahead of a formal subdivision application, City staff decided to submit the project for peer review. The City contracted with the Watershed Company to perform a second watercourse study on the subject property. On April 17, 2013, the City received the peer review of Watershed Dynamics' critical areas study prepared by Nell Lund (Enclosure 3). On page 4 of Enclosure 3, the peer reviewer concurred with the applicant's assessment of the watercourse:

Although surface water is evidently conveyed through the ravine, flows are not substantial enough to produce a distinct bed and banks through substantially all its length. Based on my interpretation of the definition above, this feature is not a regulatory watercourse.

Exhibit B

Nevertheless, the report from the Watershed Company stated that there were wetland conditions observed in a ravine on site.

...wetland conditions were observed in association with the mapped onsite watercourse. Standing water, saturated soils and a high ground water table was observed both above and below the interior dirt road (See photo documentation below). Vegetation in wet areas is characterized by osoberry, English holly, iris, lady fern, creeping buttercup, and at least one skunk cabbage.

On May 8, 2013, the applicant submitted to the City a second critical areas review prepared by Larry Burnstad (Enclosure 4), which addressed the potential wetland conditions on the subject site. Mr. Burnstad concluded that there were no regulated wetlands on the property. There was limited hydrophytic vegetation on site, which was located in an area subject to alterations to support landscaping (Enclosure 4, pages 2 and 3). Additionally, saturated soils could be attributed to above average precipitation (Enclosure 4, page 5).

The applicant was contacted on June 3, 2013 regarding contracting for peer review on Mr. Burnstad's report in response to potential wetland conditions on site. On June 11, 2013, the City received a report from Mr. Burnstad reaffirming his initial conclusions presented in his May 2, 2013 memo and restating that wetland conditions do not exist on the site (Enclosure 5). To resolve the wetland issue, Nell Lund of the Watershed Company and Larry Burnstad of Watershed Dynamics met with Wes Giesbrecht, Fred Glick, and Shana Crick on the subject property. Nell Lund performed an additional site investigation and determined that wetland conditions did not exist on the subject property. Ms. Lund's conclusions are documented in an addendum to her initial critical areas study (Enclosure 6), which was received by the City on June 17, 2013.

Suspected wetland areas with the ravine were thoroughly evaluated and found to be non-wetland. Additional hydrology data was provided by Watershed Dynamics, in addition to landscaping and irrigation details. Finally the site visit revealed a lack of wetland hydrology indicators within sampled soil pits.

Taking into consideration the findings of both Watershed Dynamics and the Watershed Company, it can be concluded that the Type 2 watercourse shown on City maps does not meet the definition of "watercourse" pursuant to MICC 19.16.010(W), and consequently will not be regulated as such. Furthermore, Mr. Burnstad's reports (Enclosures 4 and 5) and Ms. Lund's Follow up to Peer Review of Critical Areas Study (Enclosure 6) verified that regulated wetlands are not present on the subject property. Therefore, any subsequent development of the above referenced property would not be subject to buffer restrictions associated with regulated watercourses and/or wetlands under the current regulations.

Please do not hesitate to contact me via e-mail at shana.crick@mercergov.org or by phone at 206-275-7732 if you have any questions.

Sincerely,

Shana Crick

Shana Crick, Planner
City of Mercer Island Development Services Group

Copy: Myer Coval
Fred Glick

Enclosures (6)

Print



subject: **RE: Coval applications - Letter to City of Mercer Island**
from: **Shana Crick**<Shana.Crick@mercergov.org>
date: **Fri, Nov 08 2013 at 2:19 PM**
to: **'Rick Aramburu'**<rick@aramburu-eustis.com>
cc: **Katie Knight**<Katie.Knight@mercergov.org>, **Kelly Leonard**<Kelly.Leonard@mercergov.org>

Dear Richard,

I wanted to send a quick update regarding application CAO13-002. The file was never deemed complete. Therefore, a Notice of Application was not issued. A formal Notice of Decision was not issued either, as to be expected for an incomplete file. As you are aware, a letter was sent to the applicant on June 18, 2013 regarding the status of the watercourse and a potential wetland on site. The application for CAO13-002 was formally withdrawn by the applicant and closed on October 11, 2013.

Thank you,
Shana

Shana Crick

Senior Planner

City of Mercer Island Development Services Group
9611 SE 36th Street
Mercer Island, WA 98040-3732
Phone: 206-275-7732; Fax: 206-275-7726
shana.crick@mercergov.org

View the status of permits at www.mybuildingpermit.com

View information for a geographic area at <http://pubmaps.mercergov.org>

View application and other zoning information at <http://www.mercergov.org/Page.asp?NavID=361>

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From: Rick Aramburu [<mailto:rick@aramburu-eustis.com>]
Sent: Thursday, November 07, 2013 3:30 PM
To: Shana Crick
Cc: Katie Knight
Subject: Coval applications - Letter to City of Mercer Island

Please consider the attached letter in regard to the Coval applications.

J. Richard Aramburu
ARAMBURU & EUSTIS, LLP
720 Third Avenue
Pacific Building Suite 2000
Seattle, WA 98104-1860
Telephone (206) 625-9515
Facsimile (206) 682-1376

This message may be protected by the attorney-client and/or work product

privilege. If you received this message in error please notify us and destroy the message. Thank you.

ARAMBURU & EUSTIS, LLP

Attorneys at Law

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Fax 206.682.1376
www.aramburu-eustis.com

November 19, 2013

Katie Knight
Mercer Island City Attorney
City of Mercer Island
9611 S.E. 36th Street
Mercer Island, Washington 98040

Via Email
Katie.Knight@MercerGov.org

Re: Critical Area Determination File No. CAO 13-002

Dear Ms. Knight:

As you may be aware, this office represents Dr. Richard and Deborah Ferse and Linda Chaves, owners of property adjacent to the Coval property at 3051 84th Avenue S.E.

On November 7, 2013, I sent a letter to Shana Crick, the staff planner assigned to this project, which addressed the foregoing critical area determination application and decision. My letter, a copy of which was also sent to you, described multiple errors in the processing of the Critical Area Determination application, especially related to the failure to follow city public notice requirements. I received a brief response from Ms. Crick almost immediately, rejecting my clients' concerns, claiming that the application for the Critical Area Determination had been withdrawn.

For the reasons stated below, to be consistent with established law the City must withdraw its Critical Area Determination, provide for public comment on the application and allow administrative appeals.

A background of the progression of this application and decision making is useful as background to my clients' concerns.

1. **March 20, 2013.** In an email, Patrick Yamashita of the city tells Ruji Ding: *"There is a watercourse that bisects the site. Applicant will need to comply with Planning requirements associated with the buffer."*

2. **March 26, 2013.** A pre-application conference on a Critical Area Determination application is held at the city between the applicants and the City.

3. **April 3, 2013.** The City receives a Development Application from the Covals for a "Critical Area Determination." The Covals sign a city document that sets forth the requirements for a Critical Area Determination, which includes public notice to adjacent neighbors.

4. **April 9, 2013.** Planner Shana Crick is assigned to the project and states in an email to the applicants' representative that:

The Mercer Island City Code allows for a 28 day review period to determine whether the application is complete. However, the complicating factor is not how long it will take to determine completeness. The unpredictable element is how long it will take for peer review by a stream biologist.

Later in the letter, Ms. Crick states that: "Assuming the peer review verifies the applicant's findings, the City can issue a Notice of Decision within 1-2 weeks of receipt of the peer review findings."

5. **April 13, 2013.** The City receives a fee of \$2073.39 for the Critical Area Determination and it is assigned File Number CAO13-002. As noted above, City staff was already working on this application even before required fees were paid.

6. **June 18, 2013.** After receipt of the peer review, the City issued the "Coval Critical Areas Determination" for File No. 13-002. In that letter, City staff states:

it can be concluded that the Type 2 watercourse shown on City maps does not meet the definition of "watercourse" pursuant to MICC 19.16.010(W), and consequently will not be regulated as such.

Contrary to her email of April 9, no Notice of Decision of this determination was published or sent to adjacent property owners.

7. **October 2, 2013.** City staff, including Ms. Crick, George Steirer (Principal Planner), Pat Yamashita (City Engineer), Don Cole (Building Official), Kirsten Taylor (DSG Administrative Services Manager), and a representative from the City Attorney's office, attended a meeting with several area residents. A topic of concern, pointedly raised by neighbors, was that the City had not followed the terms of City codes in processing or issuing the June 18, 2013 Critical Areas Determination because of the lack of timely notice.

8. **October 11, 2013.** The applicant confirms that staff requested that it

withdraw the application for the Critical Area Determination CAO13-002 described above. In an email, the applicant's representative states:

Per your request this email is to withdraw the application for Critical Areas Determination CAO13-002. It is our understanding that because it has been established there are no critical areas on the Coval property there is no need to apply for this determination.

(Emphasis supplied). This email was not forwarded to any of the neighbors that attended the October 2nd community meeting and raised concerns about the processes followed by the city.

9. **November 7, 2013.** The undersigned sends a letter on behalf of neighbors requesting that Critical Area Determination No. CA013-002 be noticed.

10. **November 8, 2013.** Ms. Crick responds to my letter by stating:

The file was never considered complete. Therefore, a Notice of Application was not issued. A formal Notice of Decision was not issued, either, as to be expected for an incomplete file.

This decision making violates basic tenets of the City code: *how can the City issue a decision on an application when that application is incomplete?* In fact, the application appears to be complete, and no staff request for additional information is found in any emails or correspondence we have reviewed. Under City codes, unless deficiencies in the application are found, then the application is deemed complete within 28 days. See MICC 19.15.020(C)(2) (*"An application shall be deemed complete if the city does not provide a written determination to the applicant stating that the application is incomplete."*) This is stated in the email to the applicant dated April 9, described above. If the missing piece of the application was the peer review, that document was provided to the City in mid June, well before the June 18 decision. This is critical because the Notice of Application must be mailed to all property owners within 300 feet of the property following the determination of completeness. MICC 19.15.010(D)(1) (*"Within 14 days of the determination of completeness, the city shall issue a notice of application for all administrative, discretionary and legislative actions listed in MICC 19.15.010(E)."*) No such notice was sent. As stated in the Critical Area Determination application:

The public may provide written comments on the proposal for a minimum of 14 days prior to the decision. A Notice of Decision will be mailed to the applicant and anyone who provides written comments on the proposal. Critical Area Determinations may be appealed to the Planning Commission.

City staff did not issue any kind of notice to the public, though the public record shows

almost daily communication between the staff and the developer, who relentlessly pressed staff for an early decision on its application.

What is particularly disturbing is that after the October 2 meeting with neighbors, when it was discovered that city staff had not followed notice procedures required by the code, staff requested that the applicant withdraw the Critical Area Determination application. This amounts to a substantial advantage to the applicant, who now avoids critical comments on its application on important aspects of the proposal. Of course, the developer will argue during the plat process that there is no watercourse or wetland on the property, citing the City's June 18 decision (made without any input from the public). We believe there is substantial evidence that, indeed, there is a watercourse. Withdrawal of an application after a binding decision has been made cannot be allowed to stand.

My clients, and several other neighboring property owners, have a significant interest in the Critical Area Determination. The watercourse (or upstream tributary flow as referred to in the applicants' Stormwater Site Plan) has been a source of many problems over the past several years such as flooding of private roads and driveways and damage to these structures, especially when the flow has become obstructed on the Coval property and backed up onto neighboring properties. So for them, the right to be notified and heard is not just a procedural issue.

The Mercer Island City Council has decided that Critical Area Determinations will be a transparent process, with opportunity for public comment during consideration of an application and allowance for an appeal once a decision is made. A decision on a Critical Area Determination is not just a matter between a land developer and city staff; the adjacent owners must be involved. Keep in mind that the Critical Area Determination Application was the invention of the property owners/applicants to smooth the way for their ultimate development proposal; the largest residential land development proposal in the City for many years. Staff has violated not only the letter of the law, but its spirit by eliminating the public from the process.

Based on the foregoing, we renew our request that the June 18, 2013 Critical Area Determination be vacated.

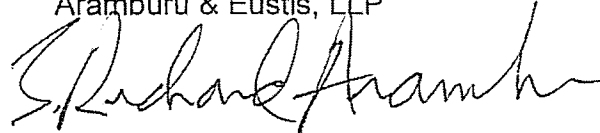
Following the vacation of that decision, the City should provide public notice as specified in the city code, give the public a reasonable opportunity to comment on the April 3, 2013 Critical Area Determination application, and allow interested parties to appeal the determination to the planning commission. In the meantime, the City should withhold, or withdraw as appropriate, any notice of completeness for the plat application until all review proceeding on the Critical Area Determination is complete. The City's lack of compliance with its own codes is a fatal flaw in the processing of this land development proposal; it is unlikely that a reviewing body or court would allow this defective decision-making to stand.

November 19, 2013
Page 5

We request a prompt response to this letter.

Sincerely yours,

Aramburu & Eustis, LLP

A handwritten signature in black ink, appearing to read "J. Richard Aramburu". The signature is fluid and cursive, with the first name "J. Richard" and last name "Aramburu" clearly distinguishable.

J. Richard Aramburu

JRA:cc

cc: Clients

Shana Crick, Planner (shana.crick@mercergov.org)

Rich Conrad, City Manager (rich.conrad@mercergov.org)

ARAMBURU & EUSTIS, LLP

Attorneys at Law

J. Richard Aramburu
rick@aramburu-eustis.com
Jeffrey M. Eustis
eustis@aramburu-eustis.com

720 Third Avenue, Suite 2000
Seattle, WA 98104
Tel 206.625.9515
Fax 206.682.1376
www.aramburu-eustis.com

December 11, 2013

Katie Knight
City Attorney
City of Mercer Island
9611 S.E. 36th Street
Mercer Island, Washington 98040

VIA EMAIL: *Katie.Knight@mercergov.org*

Re: Coval Plat: File No. SUB13-009

Dear Ms. Knight.

As you are aware, this office represents Dr. Richard and Deborah Ferse and Linda Chaves with regard to the proposed Coval Plat. In relation to that plat application, we have written two letters (November 7 and November 19, 2013) concerning the Critical Area Determination (CAD) made by the City on the plat. In that correspondence, we have described deficiencies in the processing of the Critical Area Determination application because of the lack of public notice, lack of opportunity for local residents to comment, lack of notice of the June 18, 2013 decision and the failure to allow for an appeal to the planning commission.

We have now received a letter from the applicant's attorney, Jay Derr, contesting the contents of my prior letters. For the reasons stated below, the City should decline to accept the self-serving statements made in that letter and order that the Critical Area Determination be subject to code requirements. The basis for this position is set forth below.

Mr. Derr's second paragraph says that my clients attended a "public meeting" on the Coval plat on October 2, 2013. I don't know where he got this information, but there was no public meeting on that date. In fact, a meeting was requested by neighbors to learn the status of the plat. The meeting was not noticed in any manner.

Mr. Derr's letter continues to say that there was no notice of a Critical Area Determination application because there was (in the applicant's opinion) no watercourse on the site. This bit of revisionist history ignores the fact that on April 3,

Katie Knight
December 11, 2013
Page 2

2013, Mr. Derr's clients applied to the City for a Critical Area Determination, which application was signed by the property owner, who paid a filing fee (\$2073.39) and was assigned a file number (CAO13-002) by the City. Was the purpose of this submission, as stated by Mr. Derr, to consider "reduction or averaging" of a watercourse buffer on the site? No, the letter accompanying the application, dated April 3, 2013 stated that: "it is our opinion that no such watercourse exists." The facts are clear: the Critical Area Determination application was filed so that a Critical Area Determination might be made that the plat developer could ignore the watercourse on the property, which is clearly specified on City mapping. Indeed, the City acted on CAO13-002 by issuing what is called the "Coval Critical Area Determination" on June 18, 2013. The operative language in the decision is:

Taking into consideration the findings of both Watershed Dynamics and the Watershed Company, it can be concluded that the Type 2 water course shown on City maps does not meet the definition of "watercourse" pursuant to MICC 19.16.010(W), and consequently will not be regulated as such.

In sum, Mr. Derr's clients got exactly what they applied for.

On page 2 of his letter, Mr. Derr claims that the separate consideration of the Critical Area Determination is contrary to the terms of the Local Project Review Act, Chap. 36.70B RCW. This is so he says because that statute requires "consolidation" of project reviews not "sequential consideration." Of course this ignores the fact that it was his own clients' idea to apply for the Critical Area Determination before applying for the subdivision. The letter of April 3, 2013 which accompanied the application expressly requests "sequential" processing: "We are seeking confirmation that the city agrees with this determination so that we can proceed with preparing the preliminary plat application documents based on this site development plan." Presumably the decision to request this sequential consideration was made based on the legal advice of Mr. Derr.

Mr. Derr's clients could have chosen to proceed in a consolidated manner and could have, as Mr. Derr states on page 2 of his letter, reserved the Critical Area Determination issue for the plat hearing. But that is not what happened. The plat applicant chose its course of action because it wanted to commit staff on the Critical Area Determination before going into the plat hearing. The problem was that no one along the way, including the applicant, gave the notice and opportunity for comment required by the City's own ordinance. All of this turned out well for the applicant: it was able to secure processing of its Critical Area Determination application largely in private conversations with the City and without any critical comments from anyone. Meanwhile the neighbors and other interested parties were kept in the dark.

Finally, Mr. Derr urges the City to ignore the violations of its own ordinance and

Katie Knight
December 11, 2013
Page 3

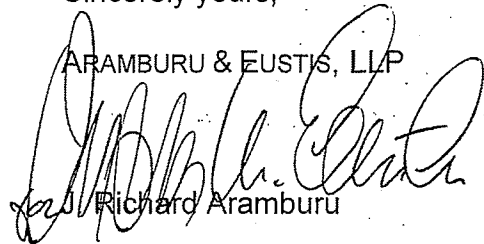
suggests that the watercourse issue may be considered during the plat hearing. But the applicant has chosen its own path and cannot now seek to ignore deficiencies in the process. This is especially true when the applicant got what it wanted: a separate, sequential decision from the City on its Critical Area Determination application. The prejudice to neighbors and other interested parties from being denied the right to comment, and having a decision made by staff with only half the story, is obvious.

There were clear defects in the processing of Critical Area Determination Application CAP13-002. How and why they happened is not important. What is important is compliance with the requirements of the City ordinances. As such, the Critical Area Determination made by City staff on June 18, 2013 must be vacated and the neighbors be given code-required notice, opportunity to comment and opportunity for appeal to the planning commission, as required by City ordinance. This compliance must occur before the hearing on the plat, just as requested by the applicant back on April 3, 2013.

Thank you in advance for this opportunity to address this important subject.

Sincerely yours,

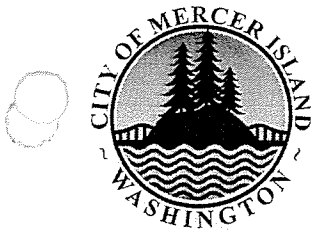
ARAMBURU & EUSTIS, LLP



Richard Aramburu

JRA:cc

cc: Dr. Richard Ferse
Linda Chaves
Shana Crick, City of Mercer Island
Jay Derr, VanNess Feldman GordonDerr



CITY OF MERCER ISLAND

9611 SE 36th Street • Mercer Island, WA 98040-3732
(206) 275-7605 • FAX (206) 275-7726
www.mercergov.org

December 16, 2013

Aramburu and Eustis, L.L.P.
ATTN: J. Richard Aramburu
720 Third Avenue, Suite 2000
Seattle, WA 98104

RE: File Nos. CAO13-002 – Critical Areas Determination and
SUB13-009/SEP13-031 - Coval Long Subdivision
3051 84th Avenue SE, Mercer Island, WA 98040; King County Tax Parcel # 122404-9010

Dear Mr. Aramburu,

Thank you for your letters dated November 7, 2013 and November 19, 2013 regarding project file number CAO13-002. During review of the letters, City staff found several factual inaccuracies. As a courtesy to you and in order to set the record straight, this letter responds to your concerns by providing review of relevant Mercer Island City Code (MICC) related to the matter.

The aforementioned letters assert that a critical area determination is the appropriate process used to establish critical areas on a specific site. MICC based processes by which critical areas are identified and the scope of a critical areas determination are separate and distinct. MICC 19.07.020(C) establishes the location and extent of critical areas, which are illustrated in MICC Title 19, Appendix E, as approximate. The MICC specifies that Appendix E is "to be used as a reference only." The MICC places the burden on the applicant by stating "the applicant is responsible for determining the scope, extent and boundaries of any critical areas to the satisfaction of the code official." The process of identifying critical areas on a site is not an action subject to a unique permit process, pursuant to MICC 19.15.010(E). When a critical area is shown in MICC Title 19, Appendix E, the City may require a critical area study, pursuant to MICC 19.07.050. Such report would be presented and reviewed in the course of processing a permit action listed in MICC 19.15.010(E), such as approval of a long plat.

A critical area determination is listed as a permit action in MICC 19.15.010(E), "critical area determination," and is specifically defined in MICC 19.16.010(C): *"An administrative action by the code official pursuant to MICC 19.15.010(E) to allow reduction or averaging of a wetland or watercourse buffer, or alteration of a steep slope."* Therefore, a critical area determination does not apply to the identification of critical areas on a site; it is an action to reduce a critical area buffer or to alter a steep slope once a critical area has been identified.

The subject site was studied by two separate qualified professionals who determined via a critical area report that neither a watercourse nor wetland(s), as defined by MICC 19.16.010(W), were present on the site. Once this site specific information was provided to the satisfaction of the Code Official, it was clear that a critical areas determination was no longer pertinent to the project. Simply stated, without a watercourse or wetland(s) on site, there are no buffers to reduce and a critical area determination does not apply. Hence, on October 8, 2013, staff requested that the applicant withdraw the unnecessary application, based on the facts of the critical area reports.

In addition to the issue clarified above, your letters raise concern that: 1) notice was not provided to the residents regarding the unnecessary critical area determination; and 2) that a decision on the matter was issued. The record shows that a meeting was organized between City staff and several neighbors, which was held on October 2, 2013. No statutory notice was required for this meeting. Your clients clearly had actual notice, as they were in attendance. This is evidenced by your November 19, 2013 letter, which shows that your clients were aware of the critical areas determination application at the time of the meeting and had the opportunity to share their concerns with City staff.

While there was a letter issued to the applicant, Mr. Giesbrecht on June 18, 2013, it was not a decision on the matter; it was a letter to convey the findings of the critical area reports, which solidified that a critical area determination was not necessary, due to the absence of any watercourse or wetland(s). Had this letter been a decision, the required elements for a notice of decision contained in Washington Administrative Code (WAC) 365-196-845(13) would have been present; the City is aware of and follows state laws when issuing decisions.

In summary, substantial error was not made in either the processing of the critical area determination or in the conclusion that there was neither a watercourse nor wetland(s) on the subject property.

Staff would gladly consider any information regarding potential critical areas on site that your clients can provide. Critical areas are defined by MICC 19.16.010(C) as "Geologic hazard areas, watercourses, wetlands and wildlife habitat conservation areas." In order to establish whether a critical area is present on site, it is necessary to demonstrate that the defining requirements of the particular critical area pursuant to MICC 19.07 and MICC 19.16.010 are met. For example, to establish that a regulated watercourse exists on site, it must be shown that there is a feature on the subject property that exhibits the following characteristics established within MICC 19.16.010(W);

A course or route, formed by nature and generally consisting of a channel with a bed, banks, or sides throughout substantially all its length, along which surface waters, with some regularity (annually in the rainy season), naturally and normally flow in draining from higher to lower lands. This definition does not include irrigation and drainage ditches, grass-lined swales, canals, storm water runoff devices, or other courses unless they are used by fish or to convey waters that were naturally occurring prior to construction.

As discussed previously with your clients, the City is willing to revisit the identification of critical areas on the Coval site if evidence is provided that refutes the existing scientific reports that were prepared by qualified professionals.

Please note: As detailed in the City's November 18, 2013 combined public notice of application, notice open record public hearing, and notice of public meeting for file numbers SUB13-009/SEP13-031, an open record public hearing in front of the Planning Commission will be held on January 15, 2013. The public hearing allows for testimony to be given on the proposed eighteen lot long plat of the subject property. This will provide an opportunity for the public to express their concerns. City staff is happy to respond to questions about the proposal and provide additional information and materials.

Sincerely,

Shana Crick

Shana Crick, Senior Planner
City of Mercer Island Development Services Group





ARAMBURU & EUSTIS, LLP

Attorneys at Law

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rick@aramburu-eustis.com
Jeffrey M. Eustis
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January 3, 2014

Shana Crick, Planner
Development Services Group
City of Mercer Island
9611 S.E. 36th Street
Mercer Island, Washington 98040

Via Email: Shana.Crick@mercergov.org

Re: COVAL PLAT PROPOSAL
City of Mercer Island File Nos. SUB13-009 and SEPA 13-031

Shana:

As you know, I represent residents nearby the proposed Coval plat. We have received notice from the City that a public hearing on the plat will be held on January 14, 2014.

In examining the notice, we note that the hearing will be before the Mercer Island Planning Commission. The notice also includes a section on "Applicable Development Regulations," however, the notice does not indicate that the project will be reviewed under Mercer Island Municipal Code (MIMC) chapter 19.12, which establishes design standards for "regulated improvements" outside of the Town Center area. That chapter also establishes the process and procedures for design review.

MIMC 19.12.010 establishes the "applicability" of design standards as follows:

19.12.010 General.

A. Applicability. This chapter establishes design standards for regulated improvements in all zones established by MIMC 19.01.040, except Town Center. Design standards for Town Center are set forth in Chapter 19.11 MIMC. These standards are in addition to any other standards that may be applicable to development in the zone in which the development occurs.

(Emphasis supplied.) The R-9.6 Zone in which the Coval plat is located is one of the zones established by MIMC 19.01.040.

Under the Definitions section of the code (MIMC 19.16.010), "Regulated Improvements" are defined as follows:

Regulated Improvements: Any development of any property within the city, except:

- 1. Property owned or controlled by the city; or*
- 2. Single-family dwellings and the buildings, structures and uses accessory thereto; or*
- 3. Wireless communications structures, including associated support structures and equipment cabinets*

(Emphasis supplied.) "Development" is similarly broadly defined (MIMC 19.16.010) under the code:

Development:

- 1. A piece of land that contains buildings, structures, and other modifications to the natural environment; or*
- 2. The alteration of the natural environment through:*
 - a. The construction or exterior alteration of any building or structure, whether above or below ground or water, and any grading, filling, dredging, draining, channelizing, cutting, topping, or excavation associated with such construction or modification.*
 - b. The placing of permanent or temporary obstructions that interfere with the normal public use of the waters and lands subject to this code.*
 - c. The division of land into two or more parcels, and the adjustment of property lines between parcels.*

(Emphasis supplied.) As noted, "development" specifically includes the division of land, as proposed by the Coval subdivision, as well as "grading" and "excavation".

Though the concepts of design review apply to the Coval subdivision, it appears there has not yet been any provision for design review proceedings under Chapter 19.12 and MIMC 19.15.040. MIMC 19.15.040.D specifically provides that:

D. Powers of the Commission.

- 1. No building permit or other required permit shall be issued by the city for any major new construction or minor exterior modification of any regulated improvement without prior approval of the design commission or code official as authorized pursuant to MIMC 19.15.010(E).*

(Emphasis supplied.) Accordingly, please advise when the Coval plat will be submitted to the Design Commission.

There are multiple issues concerning design review standards that must be considered

by the Design Commission for the Coval plat. These issues concern the layout and configuration of lots, setbacks and location of building pads, as well as open space, landscaping and plat amenities. Such features are part of the "appropriate provisions" applicable to plat decisions under RCW 58.17.110. Of particular relevance to the Coval plat are standards that apply to hillside development in MIMC 19.12.020.B:

2. Sloped or Hillside Development.

a. Building development should generally occur on the least steep portions of the site in order to conserve the more fragile areas for landscaping or general open space.

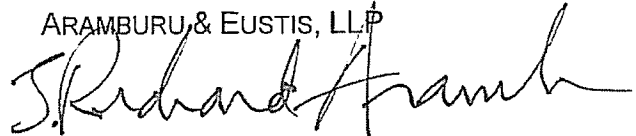
b. Structures built on substantial slopes or hillsides should be designed to minimize their visual impact on surrounding areas. Ridgelines of major slopes should not be broken by structures or loss of vegetative cover. Acceptable methods to integrate structures into the hillside include, but are not limited to, height control, stepped construction, muted earth tone colors, and tree preservation.

Prior to issuance of any approval, the Coval plat must be reviewed and approved by the Design Commission.

Thank you for your attention to this matter.

Sincerely yours,

ARAMBURU & EUSTIS, LLP



J. Richard Aramburu

JRA:cc

cc: Clients

Katie Knight (Katie.Knight@MercerGov.org)

Rick Aramburu

From: Shana Crick <Shana.Crick@mercergov.org>
Sent: Thursday, January 09, 2014 2:46 PM
To: 'Carol'
Cc: Katie Knight; 'rick@aramburu-eustis.com'
Subject: RE: Coval proposed plat (SUB13-009++)

Dear Mr. Aramburu,

In response to your letter from January 3, 2014, design review is not applicable to long plats. MICC 19.15.040(C)(3) establishes that the Design Commission's role in administering the development code is "governed by Chapter 3.34 MICC and MICC 19.15.040." MICC 19.15.040(F)(b) specifies the scope of the Design Commission by stating "No building permit or other required permit shall be issued by the city for any major new construction or minor exterior modification of any regulated improvement without prior approval of the design commission or code official as authorized pursuant to MICC 19.15.010(E)." MICC 19.16.010(M) defines "major new construction" as "construction from bare ground or an enlargement or alteration that changes the exterior of an existing structure that costs in excess of 50 percent of the structure's assessed value. Single-family development is excluded from this definition." As you noted in your January 3, 2014 letter, subdivisions are included within the definition of "development."

Thanks,
Shana

Shana Crick
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View the status of permits at www.mybuildingpermit.com
View information for a geographic area at <http://pubmaps.mercergov.org>
View application and other zoning information at <http://www.mercergov.org/Page.asp?NavID=361>

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From: Carol [<mailto:carol@aramburu-eustis.com>]
Sent: Friday, January 03, 2014 4:52 PM
To: Shana Crick
Cc: Katie Knight; rick@aramburu-eustis.com
Subject: Coval proposed plat (SUB13-009++)

Please see attached correspondence from Mr. Aramburu.

Carol Cohoe
RAMBURU & EUSTIS, LLP
720 Third Avenue
Pacific Building Suite 2000



January 9, 2014

Dr. Richard Ferse
3203 84th Avenue SE
Mercer Island, WA 98040

Re: Review of Stormwater Quantity Aspects of the Proposed Coval Property Development

Dear Dr. Ferse,

I have completed a review of the water quantity impacts of the proposed Coval Property development. Documents reviewed comprise:

- City of Mercer Island Critical Area Determination, dated June 18, 2013
- SEPA checklist, dated October 25, 2013
- Stormwater Site Plan prepared by PacLand, dated July 26, 2013 and October 7, 2013
- Preliminary Grading and Drainage Plan, October 7, 2013
- Boundary and Topographic Survey, May 3, 2013
- Preliminary Plat Map dated 4 October 2013, revised 7 October, 2013
- Geotechnical Report prepared by Terra Associates, dated July 29, 2013
- Terra Associates response to City of Mercer Island review comments on Geotechnical Report, dated October 7, 2013

I have also reviewed photographs and video taken by a local resident and visited the area surrounding the Coval Property. Permission to access the proposed project site was not granted. My field visit was made on Wednesday January 8, 2014 to gain familiarity with the area and to inform my review of hydrologic conditions. I have the following comments:

Calculation of Pre-Development Flows.

Stormwater management facilities proposed for the Coval development include a combination of infiltration trenches and a stormwater detention vault which would discharge to the existing stormwater conveyance system on the west side of 84th Avenue SE. Calculations of pre-development runoff from the project site provide the basis for the target project site discharges to be met post-development, and have a direct impact on the size of the detention vault required to control post-development discharges to those targets. The lower the pre-development flows, the greater the detention volume required to control post-development flows to the required targets for a given level of development. Overstatement of pre-development runoff results in underestimation of required stormwater detention volumes and post-development discharges which are greater



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than those required to effectively mitigate the project's water quantity impacts. Sizing of the detention vault for the Coval Property development requires that:

- The pre-development condition of the site be assumed forested.
- Developed condition discharge durations be controlled to match the pre-development durations from 50% of the 2-year peak flow to the 50-year peak flow.

There appear to be no specific requirements by the City of Mercer Island to control post-development peak flows to pre-development rates, though a significant degree of peak flow control would be achieved by a detention facility designed to meet flow duration control targets.

The Stormwater Site Plan (SSP) for the Coval Property identifies a Point of Compliance (the location at which the performance of project stormwater management facilities is evaluated) as the outlet from the proposed stormwater detention vault, which, as noted above, would discharge to the conveyance system along the west side of 84th Avenue SE. The pre-development flows at the Point of Compliance, as reported in the SSP, are overstated for the following reasons:

- 1) *Incorrect drainage area used in pre-development runoff calculations at Point of Compliance.* The project site has a total area of 5.1 acres. Of this, under the current proposal, 0.19 acres of forest along the western property boundary will remain undeveloped and runoff will flow off-site to the west as dispersed flow. A further 0.09 acres represents a portion of the existing 84th Avenue SE roadway on the eastern edge of the property. The remaining 4.82 acres represents the area of the property to be developed and subject to stormwater controls.

The site topographic survey shows that pre-development, of the 4.82 acres subject to stormwater control, roughly 0.27 acres drains west, 2.5 acres drains to the north via the swale which flows from south to north through the central part of the property, and the remaining 2.14 acres drains east towards 84th Avenue SE.

Under the current development proposal, post-development runoff from much of the western and central parts of the site (areas which would drain north via the swale pre-development) is diverted east to 84th Avenue SE, with the new development bridging the swale. The pre-development flow calculations in the SSP incorrectly assume that this proposed post-development drainage configuration represents the pre-development configuration, with the entire pre-development area of 4.82 acres subject to stormwater control assumed to drain east to the stormwater conveyance system on the west side of 84th Avenue SE. The Point of Compliance for stormwater control is the outlet from the proposed detention vault. The vault is sized to match pre-development flow durations from an area of 4.82 acres, accounting for on-site infiltration from 0.61 acres and bypass areas of 0.27 acres, including approximately 0.19 acres of lots 15 and 16 which will continue to drain off-site to the north post-



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development. The vault should more correctly be sized to match pre-development flow durations from the 2.14 acres of the project site which drains east to 84th Avenue SE in the pre-development condition.

After accounting for proposed infiltration trenches and bypass areas, the net effect of the proposed development will be a roughly 90% increase in the project area tributary to 84th Avenue SE (from 2.14 acres pre-development to roughly 4.03 acres post-development). Along with the increase in tributary area to 84th Avenue SE is a corresponding post-development decrease in project area tributary to the swale which crosses the central part of the site as discussed further under "Minimum Requirement #4" below.

- 2) *Inaccurate classification of soils as Type C in runoff calculations.* The pre-development runoff calculations presented in the SSP (performed using the WWHM3 software) assume hydrologic Type C or till soils for the entire project site. This assumption is inconsistent with the soils information provided in the Geotechnical Report by Terra Associates. The Geotechnical Report makes several references to soils on site as being outwash soils, which would be classified as hydrologic Type A. For example, Geotechnical Report page 3 states that "The medium dense to very dense sand observed in the site borings are generally consistent with advance outwash." Although the Natural Resources Conservation Service maps the site as having Kitsap soils (a hydrologic Type C soil), the Geotechnical Report page 4 states that "the site soils would be better classified as *Indianola*, which forms in glacial outwash". Indianola series soils are classified as Type A.

Type C or till soils have low permeability and produce considerably greater surface and shallow subsurface (interflow) runoff amounts than Type A soils. Type A soils have a relatively high permeability and would produce essentially no surface or shallow subsurface runoff under forested pre-development conditions. Only in Terra Associates October 7, 2013 response letter to City of Mercer Island review comments (page 5) is there reference to "till-like silty sand" unsuitable for infiltration, found in Test Pit TP-4 on Lot 13. The response letter also reports that soils in shallow test holes on the site do not meet the Department of Ecology requirements for downspout infiltration, however there is no indication of a very low permeability substratum typical of till or till-like soils. Although I did not have access to the project site, I also dug a shallow test hole just offsite, on property immediately north of proposed lot 17. I found silty fine sand to a depth of 36" (the limit of my test hole) with no low permeability layer typical of till soils. The assumption of Type C soils for the entire project site in pre-development condition hydrologic calculations likely results in substantial overstatement of pre-development flows and underestimation of detention volumes required to control post-development flows to pre-development rates.

The two issues noted above (overstatement of pre-development area tributary to 84th Avenue SE and inaccurate classification of soil type) will result in a substantial increase in discharges from the project site to the 84th Avenue SE conveyance system. Under pre-development conditions, with Type A soils and mature forest cover,



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the project site would produce essentially no surface or shallow subsurface (interflow) runoff; all rainfall would infiltrate on-site. The SSP calculations (based on Type C soils for all pervious areas) show post-development flows at the Point of Compliance ranging from 0.11 cfs for the 2-year event to 0.37 cfs for the 50-year event.

Minimum Requirement #4: Preservation of Natural Drainage Systems and Outfalls

Under Minimum Requirement #4 of the 2005 Washington State Department of Ecology Stormwater Management Manual for Western Washington, "Natural drainage patterns shall be maintained, and discharges from the project site shall occur at the natural location, to the extent practicable". The proposed stormwater management system for the Coval Property appears to violate Minimum Requirement # 4 in that runoff from areas naturally tributary to the swale running south-north through the center of the site is diverted to the conveyance system along 84th Avenue SE. From the information available in the SSP, it appears that runoff from roughly 2 acres of the project site is diverted from the drainage swale to 84th Avenue SE. No assessment is provided of the impact of this diversion.

Off-Site Analysis

The SSP includes an "Offsite Analysis Report" which comprises photographs and a very brief narrative description of the drainage system downstream from the project site. The downstream field observations were reported to have been made in sunny weather on June 28, 2013. The "Offsite Analysis Report" concludes that "The downstream emergency overflow drainage path as described above appears to have adequate capacity and no current problems were observed".

Although entitled "Offsite Analysis Report", no actual analysis of the downstream (offsite) drainage system is provided. There are no estimates of the capacity of the drainage system, no estimates of current (i.e. without project) flows in the system, and no discussion or analysis of capacity limitations. The statement that the drainage path "appears to have adequate capacity" appears to be entirely subjective. The fact that "no current problems were observed" is not surprising given that the field observations were made in fine weather in June. It is also not clear what is meant by the "downstream emergency overflow drainage path". The flow path(s) in question would carry runoff from the site under all wet weather condition, whether under emergency conditions or not.

While the applicant's assessment of the drainage system may be correct, there is no way of confirming this from the information provided in the SSP. In particular, with the information presented, there is no way of determining whether the drainage system along 84th Avenue SE has the capacity to handle the increased flows which would be expected under the current development proposal.



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Concluding Remarks

Review of the Stormwater Site Plan and related documents for the proposed Coval Property development indicates that the pre-development runoff from the project site is substantially overestimated. Overstatement of pre-development runoff results in underestimation of required stormwater detention volumes and post-development discharges to the 84th Avenue SE drainage system which are greater than at present and greater than required to meet regulatory stormwater management standards.

Although the Stormwater Site Plan includes an offsite analysis, the information provided is insufficient to determine the downstream impacts of the expected increase in runoff from the project site.

A revised Stormwater Site Plan should be prepared and circulated for further review.

Yours truly,
Northwest Hydraulic Consultants

A handwritten signature in black ink, reading "K. M. Leytham", is positioned below the typed name. To the left of the signature is a small, faint circular stamp.

K. Malcolm Leytham, P.E., Ph.D.
Principal

cc. J. R. Aramburu

K.M. LEYTHAM, Ph.D., P.E.

POSITION	Principal Hydrologist
EDUCATION	B.Sc., Civil Engineering, University of Birmingham, U.K., 1971 S.M., Water Resources, Massachusetts Institute of Technology, 1974 Ph.D., Hydrology, University of Washington, 1982, specialized in stochastic modeling of large scale droughts.
PROFESSIONAL AFFILIATIONS	Registered Professional Engineer in Alberta, Alaska, Oregon and Washington American Geophysical Union American Society of Civil Engineers
EMPLOYMENT HISTORY	<p>2007-present: Principal, Northwest Hydraulic Consultants. Specializing in surface water hydrology and reservoir operations.</p> <p>2002-2007: President, Northwest Hydraulic Consultants Ltd. Responsible for the company's Canadian and international operations.</p> <p>1987-2002: Principal, Northwest Hydraulic Consultants. Specializing in surface water hydrology and reservoir operations.</p> <p>1986-1987: Senior Hydrologist, Northwest Hydraulic Consultants. Responsible for execution of hydrology studies in the Seattle office.</p> <p>1985-1986: Senior Hydrologist, Ott Water Engineers, Bellevue, WA. Responsible for hydrology studies in the Northwest regional office.</p> <p>1983-1985: Self-employed consultant providing services in deterministic hydrologic modeling and flow forecasting.</p> <p>1982-1983: Senior Hydrologist, Crippen Consultants, Seattle, WA. Responsible for hydrology work related to hydropower developments.</p> <p>1979-1982: Ph.D. program, University of Washington. Research into the stochastic generation of multi-site precipitation data for modeling large-scale droughts.</p> <p>1975-1979: Hydrologist, Hydrocomp Inc., Palo Alto, California. Involved in a wide variety of hydrology projects, including development of simulation models, catchment hydrology studies, and analysis of hydrologic and meteorologic data.</p>
SUMMARY OF EXPERIENCE	Dr. Leytham has broad experience as an engineering hydrologist primarily with specialist consulting engineering organizations. He has worked on projects throughout western Canada and the western United States as well as in South America and South Asia. He has particular expertise in the analysis and synthesis of hydrologic data and in the development and application of catchment hydrology models for such uses as estimation of design floods, flood forecasting, seasonal snowmelt forecasting, and design of urban stormwater management facilities.

**SELECTED
PROJECT
EXPERIENCE**

Tamihi Creek Run-of-River Hydroelectric Project Hydrological Assessment: Technical Reviewer for hydrologic studies undertaken as part of the Development Plan approval process for the Tamihi Creek Project, British Columbia.

Merian Project Environmental Review: Hydrology and Water Management Specialist for review, on behalf of the Government of Suriname, of the environmental impact assessment for the proposed Merian open pit gold mine.

Serpentine and Nicomekl Rivers – Climate Change Floodplain Review: Hydrology Task Lead for analysis of the impacts of sea level rise on flooding of the lower Serpentine and Nicomekl River floodplains, Surrey, British Columbia. The study area is valuable low lying agricultural land bordering the Strait of Georgia protected from coastal flooding by sea dikes and tide gate structures. Developed overall technical approach via continuous (multi-year) modeling of interior flood levels using long time series of simulated hydrologic inputs and ocean water level time series representative of current and future conditions. Directed development and application of an HSPF model to provide hydrologic inputs for the study.

Puyallup River Hydrology Study: Project Manager for development of design flood hydrographs for the Puyallup River, Washington, and its major tributaries for use in the investigation of flood management interventions. Work comprised: hydrologic data acquisition and review; flood frequency analyses; coincident flow analysis; and synthesis of flood hydrographs to provide inputs to hydraulic modeling conducted by others.

Lewis River Site Specific PMP and PMF Study: Project Manager for completion of a site-specific PMP and PMF study for the Lewis River hydroelectric project which comprises three dams and reservoirs (Swift, Yale and Merwin) on the Lewis River, Washington. Work involved development and calibration of a continuous grid-based HEC-HMS hydrologic model and application of the model to simulate the Probable Maximum Flood for a range of flood scenarios. Coordinated the completion of a site-specific PMP study which was undertaken by others and which provides precipitation and temperature data required as input to the hydrologic modeling.

Skagit River Construction Period Hydrology. Estimated flood flows and conducted monthly flood frequency analyses for the Skagit River above Rockport to provide information on flood risk during proposed construction windows for a river bank stabilization project.

Skagit River Flood Damage Reduction Feasibility Study. Project Manager for hydrologic and hydraulic analyses for a flood risk management study of the lower Skagit River basin, Washington. Work conducted included: extensive review of previous hydrologic and hydraulic modeling; updating of without-project hydrologic and hydraulic analyses; conceptual design and analysis of flood management alternatives including levee setbacks, levee improvements, flood bypasses, and reoperation of upstream reservoirs for improved flood control; and preparation of inundation maps for multiple flood management scenarios.

**SELECTED
PROJECT
EXPERIENCE
(CONTINUED)**

Assessment of Inflow Design Flood for Waterton Dam. Responsible for hydrologic modeling aspects of a study to produce an updated estimate of the inflow design flood for a spillway adequacy assessment of Waterton Dam, southern Alberta. The work included extensive revisions to and recalibration of an existing SSARR model of the Waterton basin and simulation of the Probable Maximum Flood using site specific probable maximum precipitation inputs prepared by others.

Integrated Flood and Riverbank Erosion Management (IFREM) Project: Flood Management Specialist for the feasibility-level design of flood and riverbank erosion management measures at six sites throughout Arunachal Pradesh, NE India. Responsible for review and finalization of the hydrologic basis for design of structural flood and riverbank erosion management interventions, and for all aspects of the non-structural flood management component of project. Non-structural flood management work included initial planning for hydrologic monitoring network, planning and design of flood warning pilot projects, preparation of a package of community-based flood risk management interventions, and scoping of pilot watershed management measures. Served as Acting Team Leader for the latter half of the study, coordinating activities of a multi-disciplinary team of engineers, social scientists, economists, institutional development specialists and others.

Padma Multi-Purpose Bridge Design Project: Climate change impact specialist for the detailed design of a 6-km bridge crossing of the Padma River, Bangladesh. Assessed the potential impacts of climate change on the design of the Padma Bridge river training works, with a particular focus on the impacts of climate change on river discharges and ocean conditions. Reviewed relevant research and reports, and provided recommendations on adjustments to hydraulic design parameters to account for potential climate change through the year 2100.

Dam Breach Impact Investigation: Project Manager for the forensic investigation of the impact of a dam failure on a downstream oil pipeline in the state of Bahia, northeast Brazil. Work included field reconnaissance and development and application of a hydrodynamic dam breach model to estimate flow conditions during the dam failure.

Cedar and Tolt Watersheds Instrumentation Adequacy. As one component of a broader study of project operations, provided a detailed evaluation of the adequacy of the hydromet monitoring network in the Cedar and Tolt watersheds, the principal water supply sources for the City of Seattle. The evaluation considered data needs for: quantifying stored water (including snow pack); developing and operating hydrologic models for flood forecasting; and developing long-term reservoir inflow forecasts. Provided recommendations for improvements in the monitoring network and for incorporating remotely-sensed information into decision making for project operations.

Coquitlam River Flood Management: Provided third-party peer review of flood hydrology and flood control studies on the Coquitlam River, British Columbia. Provided technical input to the development of seasonally-varied flood control operating policies at Coquitlam Reservoir.

Overview of Climate Change Impacts and Vulnerability: Project Manager for overview of the current state of knowledge of climate change impacts to water-related infrastructure, services, and environmental values within Snohomish County, Washington. Also provided a qualitative assessment of the vulnerability of the County and its residents to those impacts. Specific areas covered by the assessment were; surface water and groundwater supply; flooding from rivers and streams; coastal flooding and erosion due to sea level rise; and freshwater salmon habitat and productivity.

Paddle River Dam PMF Review: Participated in a review of the Probable Maximum Flood (PMF) for Paddle River Dam, Alberta. Responsible for review of an existing SSARR hydrology model and subsequent recalibration of the model and revision of the PMF.

Carolside Dam – Dam Breach Inundation Studies: Project Manager for dam breach studies of Carolside Dam on Berry Creek, Alberta. Dam breach modeling and routing of dam breach floods was done for PMF and fair weather failures using the FLDWAV model. Flood routing was conducted and inundation maps prepared for a total channel length of about 260 km.

Buckhorn Mountain Gold Mine Hydrology Review: Conducted review of the impacts to surface waters of the proposed development of an open pit gold mine at Buckhorn Mountain, Washington.

Skagit River Historic Flood Review: Responsible for review of historic flood data on the Skagit River, Washington, and development of recommendations for resolving inter-agency differences on the use of the historic data for the design of flood hazard reduction projects.

North Thompson River Flood Forecast Model: Project Manager for development of a grid-based distributed hydrologic model of the North Thompson River basin, British Columbia. This was the first large scale field application of the grid-based snowmelt modeling capabilities of the US Army Corps of Engineers HEC-HMS software package.

Rio Paraná/Rio Paraguay Low Flow Hydrology: Task Manager for characterization of the low flow hydrology of the Rio Parana and Rio Paraguay through Argentina, Paraguay and Brazil. Responsible for data acquisition, data quality assurance, and analysis of low flows at multiple locations along a 2000 km reach of the river system in support of a navigation improvement feasibility study.

Alberta Extreme Flood Guidelines: Member of a four-person panel of experts developing guidelines for estimation of extreme floods in Alberta.

University of Washington Program Review: Member of four-person committee established to review the state of the hydrology, water resources and fluid mechanics program of the University of Washington. Provided advice on actions needed to ensure the future viability and health of the program.

Snohomish County, Washington, Drainage Needs Reports: Served as Hydrology Technical Lead for comprehensive analyses of drainage improvements needed within designated Urban Growth Areas of Snohomish County, Washington. Developed hydrologic protocols to be

followed by multiple consulting firms involved in this fast-track multi-million dollar study. Resolved hydrologic issues as they arose over the course of the study.

Dai Ninh Hydroelectric Project: Hydrology expert for review and update of hydrologic studies for the final design of the Dai Ninh Hydroelectric Project, Vietnam. Work included review and quality control of basic hydrometric data, reconstruction of flow records to confirm energy potential, and estimation of flood magnitude for construction planning and spillway design.

Carseland-Bow Headworks Reservoir Flood Studies: Conducted hydrologic studies for new estimates of the probable maximum flood for three dams on the Carseland-Bow Headworks system, Alberta - Travers, McGregor, and Little Bow Lake Dams.

Lewis River Project Relicensing Studies: Project Manager for flood management aspects of relicensing studies for Swift, Yale, and Merwin Dams on the Lewis River, Washington. Work included: investigation of the flood management benefits of alternative project operating policies, development of inundation maps for the Lewis River from Merwin Dam downstream to its confluence with the Columbia River, review of flood warning and evacuation protocols, analysis of the reliability of flood forecasts, and development of detailed operating policies which explicitly account for forecast uncertainty.

Kelsey Dam Safety Review - Hydrologic and Hydraulic Aspects: Participated in the hydrologic and hydraulic aspects of a dam safety review for Kelsey Generating Station on the Nelson River, Manitoba. Responsible for reviewing estimates of the Inflow Design Flood.

Travers Dam PMF Review: Participated in a comprehensive review of the Probable Maximum Flood estimated for Travers Dam on the Little Bow River, Alberta.

Mill Creek, Salem, Flood Reduction Study: Project Manager for development of hydrologic and hydraulic models of Mill Creek, Salem, Oregon for use in the investigation of system improvements to reduce urban flooding through the city of Salem. Hydrologic modeling was done using HEC-HMS. Hydraulic modeling was done using an unsteady flowUNET model to represent complex multiple flow breakouts, flow splits, and flood storage facilities. Both models were calibrated to data from the major flood of February 1996.

Nechako Reservoir Inflow Analysis: Directed analyses of inflow data for Nechako Reservoir, British Columbia, to determine the best way of forecasting average annual inflows for a reservoir expansion study. The current record of inflows exhibits pronounced cyclicity with inflows above or below the long-term average for extended periods of time. The analysis found a relatively strong relationship between reservoir inflows and the Pacific Decadal Oscillation (PDO), a long-lived (decadal) bimodal pattern of climate variability in the North Pacific. Estimates of average reservoir inflows for an approximately 25 year planning horizon were provided on the basis of a recent phase change in PDO.

**SELECTED
PROJECT
EXPERIENCE
(CONTINUED)**

Black Butte Dam Rainfall-Runoff Model and PMF Estimate: Project Manager for development of a HEC-HMS rainfall-runoff model of the Stony Creek basin above Black Butte Dam, Northern California. The calibrated model was subsequently used to develop Probable Maximum Flood (PMF) estimates at the dam site. Probable Maximum Precipitation data used as input to the PMF analysis were obtained from the National Weather Service HMR58 guidelines.

Masonry Dam Flood Control Operations Study: Project Manager for the investigation of alternative flood control operating policies for Masonry Dam on the Cedar River, Washington. Work included development of alternative operating policies and assessment of the impacts of those policies on flood damage, hydropower generation, water supply safe yield, and downstream fisheries production.

Seven Mile Dam PMF Review and Characterization of Extreme Floods: Reviewed the PMF for Seven Mile Dam on the Pend Oreille River, British Columbia and performed detailed flood frequency analyses to estimate the magnitude and frequency of extreme floods for use in risk analyses undertaken by others.

South Heart River Dambreak Studies: Advised on the conduct of dambreak analyses using the US National Weather Service FLDWAV model to determine the required spillway capacity of a dam on the South Heart River, Alberta, under the Incremental Hazard Evaluation methodology.

Shillapoo Lake Ecological Restoration: Project Manager for hydrologic and hydraulic studies for the proposed restoration of Shillapoo Lake, an approximately 900-acre area in the Columbia River floodplain, Washington. Analysed alternative means for re-establishing hydraulic connections between Shillapoo Lake and the Columbia River to restore ephemeral wetland conditions. Produced conceptual level designs for the preferred alternative including: levees, water control structures, conveyance systems, and pump station.

Walker River Hydrology Studies: Project Manager for comprehensive hydrologic studies of the Walker River Basin, a 4,000 sq. mi. closed basin in eastern California and western Nevada.

Lewis River Flood Study: Project Manager for investigation of the severe flooding of February 1996 along the Lewis River, Washington, downstream from Merwin Dam. Work involved field identification of high water marks, reconstruction of natural (i.e. unregulated) flows, development of a hydraulic model of the Lewis River from the dam to its confluence with the Columbia River, and determination of flood profiles and areas of inundation for actual and hypothetical project operations.

Iron Gate PMF Study: Project Manager for the determination of the probable maximum flood at Iron Gate Dam, Klamath River, California.

Lake Chelan Project PMF Study: Project Manager for determination of the probable maximum flood for the Lake Chelan Hydroelectric Project on the Chelan River, Washington.

Juri River Flood Warning System: Provided advice and assistance in the evaluation of a low-cost flash flood warning system on the Juri River in northeastern Bangladesh. The work involved the design and

**SELECTED
PROJECT
EXPERIENCE
(CONTINUED)**

implementation of a network of rainfall and streamflow gauges, analysis of hydrometeorologic data, and conceptual level design of the flood warning system and flood disaster management program.

Evaluation of Rainfall - Runoff Models: Evaluated rainfall-runoff models for the Northwest Region, National Rivers Authority, U.K.. The study included an interview program with agency staff to determine needs, review of models potentially suitable for adoption by the agency, and test case application of selected models to several catchments.

North Umpqua River Flow Forecasting Model: Project Manager for the development of seasonal and short-term flow forecast models for use in the operation of hydro-electric generation facilities on the North Umpqua River, Oregon.

Hydrologic Analysis and Modeling for Remedial Works on Mt. Pinatubo: Project Manager for development of hydrometeorologic database and estimation of design flows for use in the planning and design of sediment and flood control measures on the eight major water courses affected by the 1991 eruption of Mt. Pinatubo, Philippines.

Mill Creek (Auburn) Flood Management Plan: Technical Lead for the development of the Mill Creek Flood Management Plan, a multi-objective, multi-jurisdictional effort to develop and implement a comprehensive flood management and environmental restoration plan for the Mill Creek Basin, Auburn, Washington. As technical lead, managed all technical input to the project, provided direction to and coordinated the work of wetland, fisheries, water quality, and hydraulic and hydrologic modeling specialists, developed and analyzed conceptual flood management alternatives consistent with the project's environmental goals, provided technical liaison with project stakeholders, and advised on stakeholder selection of a preferred flood management alternative.

Northridge Master Drainage Plan: Project Manager for the conceptual design of stormwater management facilities for a proposed 1500 acre mixed-use (commercial and residential) development in King County, Washington.

Snoqualmie Ridge Master Drainage Plan Review: Project Manager for detailed technical review of the analysis and design of stormwater control facilities for a proposed 1300-acre mixed use development in the City of Snoqualmie, Washington.

Small-Scale Flood Control Structure Operation and Maintenance Mission: Participated in a mission to design and develop a program for improving the operation and maintenance of small-scale flood control structures throughout Bangladesh.

Mill Creek Upper Detention Pond Operation Study: Conducted hydrologic studies to develop an optimal operating policy for a regional stormwater detention facility at the head of Mill Creek Canyon, Kent, Washington.

Sammamish River Multi-Objective Corridor Management Plan: Project Manager for hydraulic modeling aspects of a study to enhance fishery and recreational use of the Sammamish River corridor, Washington. Responsible for developing a water surface profile model for the river and evaluating the effects of proposed environmental enhancements on flood

**SELECTED
PROJECT
EXPERIENCE
(CONTINUED)**

levels along the river corridor.

East Side Green River Drainage Study: Project Manager for hydrologic modeling aspects of a study to alleviate local flooding associated with the East Side Green River drainage system in the lower part of the Green River valley, Washington.

BWDB/CIDA/AIT Training Course: Developed and taught the hydrology component of a two-month training course for water resources engineers from the Bangladesh Water Development Board.

Issaquah Creek HSPF Model Calibration: Project manager for calibration of an HSPF hydrologic simulation model to streamflow and rainfall data from the Issaquah and Tibbetts Creek catchments in King County, Washington.

City of Lynnwood Flood Plain Mapping Study: Project Manager for a flood plain mapping study on Scriber Creek in the City of Lynnwood, Washington.

Highwood River/Little Bow River PMF Study: Conducted hydrologic modeling and dambreak analyses for estimation of the probable maximum flood and the spillway design flood for a proposed dam on the Little Bow River, Alberta. The PMF is generated by a major flood on the neighboring Highwood River, which spills over a low topographic divide into the headwaters of the Little Bow River. Dambreak simulations were performed using the U.S. National Weather Service DAMBRK model.

Small Scale Water Control Structures: Developed hydrologic criteria to meet both engineering and agro-economic goals for the design of small scale water control structures in Bangladesh.

Mill Creek Regional Stormwater Detention Study: Project Manager for a detailed study of a proposed regional off-channel stormwater detention facility in Kent, Washington, including collection of hydrologic data, hydrologic modeling (using EPA's HSPF model), and analysis of the system's performance.

Black and Fannegusha Creek Watersheds Hydrologic and Hydraulic Analyses: Project Manager for hydrologic and hydraulic studies on Black and Fannegusha creeks, Mississippi for the design and evaluation of a system of flood water retarding structures.

Skagit River Flood Forecast Model: Project Manager for the development of a flood forecast model for the Upper Skagit River basin, Washington.

Wabamun Lake Water Level Simulation Study: Developed monthly water balance model of Wabamun Lake, Alberta. Performed long-term simulations of lake levels to evaluate proposed modifications to the lake outlet control structure.

Similkameen River Flood Control Study: Project Manager for a flood study for a proposed dam on the Similkameen River, BC and Washington.

Dissolved Nitrogen Modeling for the Columbia and Snake Systems: Developed a system simulation/optimization model for deriving reservoir operating policies which would minimize nitrogen supersaturation levels below 13 major dams on the lower Snake and Columbia rivers while meeting power production constraints.

Snowmelt Forecasting for the Skokomish, Cowlitz and Nisqually Rivers: Developed and implemented a seasonal snowmelt forecasting model for the operation of hydroelectric generation facilities on the Skokomish, Cowlitz and Nisqually rivers, Washington.

Surface Water Appraisal Study: Conducted a field appraisal of surface water supply potential for a resort development on the island of Lanai, Hawaii.

Green River Low Flow Study: Managed a study to develop alternative low flow operating policies for the Hanson Dam on the Green River, Washington, to enhance downstream water quality and fisheries..

Flood Forecasting for the Salt and Verde Rivers, Arizona: Developed and implemented a real-time flood forecasting model for the operation of a system of reservoirs on the Salt and Verde rivers in Arizona.

Iskut River PMF Study: Estimated the probable maximum flood for three dams on the Iskut River, northern British Columbia. Special consideration was required for runoff from heavily glacierized areas of the basin.

Hydropower Reconnaissance Studies: Performed numerous hydrologic studies for evaluation of small-scale hydroelectric projects on Burlington Northern land holdings throughout the northwestern U.S.A., including estimation of flow duration and flood frequency curves for both gaged and ungaged catchments, preliminary sizing of equipment, and assessment of energy production.

Sunset Falls Hydroelectric Study: Conducted flood studies and conceptual design of flood control works for a proposed hydroelectric project on the South Fork Skykomish River, Washington.

Transmigration Project Village Water Supplies: Conducted reconnaissance level hydrologic studies and yield analyses for village water supplies in Sumatra, Indonesia.

Hurricane Modeling for Probable Maximum Precipitation (PMP) Estimates: Developed a computer model of hurricane-generated rainfall for PMP estimates for spillway design studies for dams on the Rio Blanco, Dominican Republic.

Paranaiba River Hydrology and PMF Studies, Brazil: Performed extensive hydrology studies for hydroelectric development on the Paranaiba River, Brazil, including estimation of PMF at three dam sites, stochastic generation of long flow sequences and training of Brazilian personnel.

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Mannerström, M., M. Leytham, B. Walsh, V. O'Connor, and M. Osler, "A Continuous Simulation Approach for Estimating Future Flood Hazards due to Joint Occurrence of High Ocean Levels and High Runoff", 21st Canadian Hydrotechnical Conference, Banff, Alberta, May 2013.

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- Neill, C.R., K.M. Leytham, and J. A. Ruttan, "PMF Studies for the Little Bow System in Southern Alberta", Canadian Dam Association Annual Conference, Victoria, BC, 2002.
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- Leytham, K.M. "Maximum Likelihood Estimates for the Parameters of Mixture Distributions", Water Resources Research, 20(7):896-902, 1984.
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- Tangborn, W.V. and K.M. Leytham. "Snowmelt Forecasting for Peak Flow Rates and Runoff Volumes in Mountainous Areas", WMO Technical Conference on Mitigation of Natural Hazards Through Real Time Data Collection and Hydrological Forecasting, Sacramento, CA. 1983.
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September 10, 2013

32nd St. Neighbors
c/o Robert Thorpe
RW Thorpe & Associates, Inc.
1001 Fourth Avenue, Suite 4000
Mercer Island, WA 98154

Re: Reconnaissance-level Investigation

Dear Bob:

On July 3 of this year, I accompanied Robert Thorpe to do a reconnaissance-level investigation of the Coval property located at 3051 84th Avenue SE on Mercer Island. A certified ecologist with over 25 years of experience conducting wetland delineations, ordinary high water mark determinations, stream habitat inventories, critical areas studies, and environmental impact assessment studies for subdivisions as well as large transportation projects, you asked for my expert opinion on whether there were any wetlands or watercourses on the site. Before visiting the subject property, I reviewed relevant portions of the Mercer Island Municipal Code (MIMC), particularly Chapter 19.07 Environment. This includes critical area study requirements for watercourses, wetlands, and wildlife habitat conservation areas. When we met onsite, you provided me with a GIS map showing the City of Mercer Island (City) having identified a Type 2 watercourse on the site. No site-specific investigations by the proponent of proposed development or their consultants were provided to me for my review before my reconnaissance. Well after the site reconnaissance, I received digital copies of a letter from Ms. Shanna Crick, City of Mercer Island to Wes Giebrecht, North Bluff Developments, Ltd. Dated June 18, 2013 and copies of the six enclosures mentioned in Ms. Crick's letter. The enclosures include a GIS map apparently produced from the City's Information and Graphics Services that shows a Type 2 watercourse running from south to north through the subject property. Other enclosures included a series of reports prepared by the proponent's consultant Larry Burnstad, Watershed Dynamics and third party reviews of these reports by The Watershed Company's Nell Lund as follows:

- March 30, 2013 Watercourse Review for the Coval Property on Mercer Island prepared by Larry Burnstad, Watershed Dynamics;
- April 17, 2013 letter to Shana Crick, City of Mercer regarding the Coval Property – Peer Review of Critical Areas Study prepared by Nell Lund, The Watershed Company;
- May 2, 2013 Wetland Review at the Coval Property prepared by Larry Burnstad, Watershed Dynamics;
- June 6, 2013 Site Review prepared by Larry Burnstad, Watershed Dynamics; and
- June 17, 2013 letter to Shana Crick, City of Mercer Island regarding Coval Property – Follow up to Peer Review of Critical Areas Study.

The focus of my reconnaissance was whether or not wetlands and/or a watercourse were present on the site. This letter is a short summary of my approach, findings, and how these contrast with those reported by others.

METHODS

A systematic investigation of the mapped watercourse was conducted. My investigation began at the beginning of the mapped watercourse at the outlet to the 12-inch diameter pipe shown in Figure 1 from Watershed Dynamics April 17, 2013 report and proceeded in a downstream direction to the inlet to the culvert at the downstream end of the watercourse at the north end of the Coval property. A test pit was dug with a sharpshooter shovel about 20 feet upstream of Watershed Dynamics Soil Pit #3. Subsequent observations of soils and hydrology were made in open soil pits dug by Watershed Dynamics. Because soils will oxidize relatively rapidly when exposed to air, observations at other Watershed Dynamics test pits involved taking a fresh cross section from the open pits. Observations of soil color and texture were then made on the new sample, which was ~3-inches thick.

MIMC requires the use of the *Washington Wetlands Identification and Delineation Manual* to delineate wetlands (Ecology 1997). Wetlands are classified using the Washington State Department of Ecology's rating system for western Washington (Hruby 2004).

RESULTS AND DISCUSSION

As both Watershed Dynamics and The Watershed Company point out, the first part of the definition of Watercourses from MIMC is:

"Watercourses: A course or route, formed by nature and generally consisting of a channel with a bed, banks, or sides throughout substantially all its length, along which surface waters, with some regularity (annually in the rainy season), naturally and normally flow in draining from higher to lower lands. This definition does not include irrigation and drainage ditches, grasslined swales, canals, storm water runoff devices, or other courses unless they are used by fish or to convey waters that were naturally occurring prior to construction."

The code continues to define "Watercourses – Intermittent or Seasonal Flow as: Those watercourses that go dry or exhibit zero surface discharge at any point during water years with normal rainfall as determined from climatological data published for the Seattle-Tacoma International Airport by the National Oceanic and Atmospheric Administration or its successor agency."

Not surprisingly, there was no flow at the time of my July 3 site investigation and the watercourse clearly does not contain perennial flows. However, soils were relatively moist and there was clearly evidence of seasonal flow (scouring), particle sorting, and sediment deposition throughout substantially all the length of the watercourse. I observed positive evidence of hydric soils throughout the drainage from near the outlet of the pipe at the south end of the site to the inlet of the pipe near the northern property boundary. These observations indicate that soils are likely inundated and/or saturated for relatively long periods of time and possibly influenced by a seasonally high ground water table, which is common in soils that have developed in the formerly glaciated areas of the Puget Lowlands. My first observation of hydric soils was in the test pit located about 20 feet upslope of Watershed Dynamics Soil Pit #3 (see Attachment A). The photograph below shows the dark grayish brown (10YR 4/2) depleted sandy loam matrix with between 5 and 10% yellowish brown (10YR 5/8) redoximorphic concentrations or mottles in the upper six inches of the test pit. Using either the *Washington Wetlands Identification and Delineation Manual* (Ecology 1997)

or the *Western Mountains, Valleys, and Coast Region Supplement to the 1987 Corps Manual* (Corps 2010), these soils are considered hydric.



Similar soils and redoximorphic concentrations (i.e., positive indicators of hydric soils) were observed in a fresh cut from Watershed Dynamics' soil pit #3 as shown in the photograph at left. Mr. Burnstad did not provide any photographs of the soil pits at the time he made his observations and did not observe positive indicators of hydric soil. My observations do not corroborate his earlier findings.

His observations and logic and that of the Watershed

Company's that there is no watercourse is not supported by the abundance of redoximorphic features and depths of these throughout the drainage. The conclusion that hydrology or seasonally flowing water is



not present for sufficient duration earlier in the growing season is not supported by the observations made in late spring and early in the summer. Nor is the argument persuasive that hydrology was only present because of anomalous precipitation patterns. While Mr. Burnstad does a fine job of identifying heavy precipitation patterns in the two weeks before the indicated site visits, observations must take into consideration the antecedent conditions starting in the fall of 2012 when the water year began as he is clearly aware. He correctly notes that precipitation for the water year through his April 2013 site visits is within normal range. Regardless of precipitation patterns, presence of a depleted soil matrix and abundance and location of redox within the soil profile throughout the watercourse indicates soils are inundated and/or saturated for sufficient duration for these features to develop. Similar soils with a depleted matrix and chroma of 2 and abundant redoximorphic concentrations from a depth of 6 to more than 12 inches below the ground surface were observed at Soil Pit #5, as shown in the photograph on the next page.



Furthermore, hydric soils also were observed in the flatter area near the culvert inlet at the north property boundary. These soils were darker and contained abundant oxidized rhizospheres, a positive indicator of wetland hydrology. Collectively, my observations indicate there is likely seasonally flowing surface water during the spring and probably seasonally high ground water throughout the length of this watercourse. Mr. Burnstad's observation of ground water at a depth of 8 inches below the ground surface in soil pit #5 on April 26 supports this. While the bed and banks of the watercourse may not have exposed gravels, undercut banks, or other features found in perennially flowing streams, there is clearly a topographic drainage and evidence of an intermittent stream. Examination of historic aerial photographs, such as the 1936 aerial photograph (Attachment B) on the King County iMAP website shows this natural topographic feature and drainage. This watercourse though not perennial appears to meet the definition of a Type 3 (intermittent and not used by fish) watercourse. In addition, there is clearly a wetland, which includes the area delineated by Mr. Burnstad. This wetland is

associated with the watercourse and is likely larger than identified though this is difficult to evaluate as none of the documentation provided contains a map of the identified wetland. Accurate delineation of the wetland boundaries may require use of the problem area methods. Mr. Burnstad does suggest that this wetland is smaller than the size of Category IV wetland regulated under MIMC. Finally, it is unclear whether the proposed development complies with provisions in MIMC pertaining to mitigating impacts to critical areas consistent with best available science. MIMC requires impacts to critical areas, such as watercourses, wetlands, and other wildlife habitat conservation areas from new streets and utilities to be mitigated to the greatest extent reasonably feasible so there is no net loss in critical areas functions.

If I may provide any additional information or clarification on this proposal, please call me at (206) 285-3015.

Sincerely,

ECOLOGICAL SOLUTIONS, INC.

SCOTT LUCHESSA

Certified Ecologist

Attachments:

Attachment A – Watershed Dynamics Soil Pit Locations

Attachment B – King County iMAP 1936 Aerial Photograph.

REFERENCES

Corps (see U.S. Army Corps of Engineers)

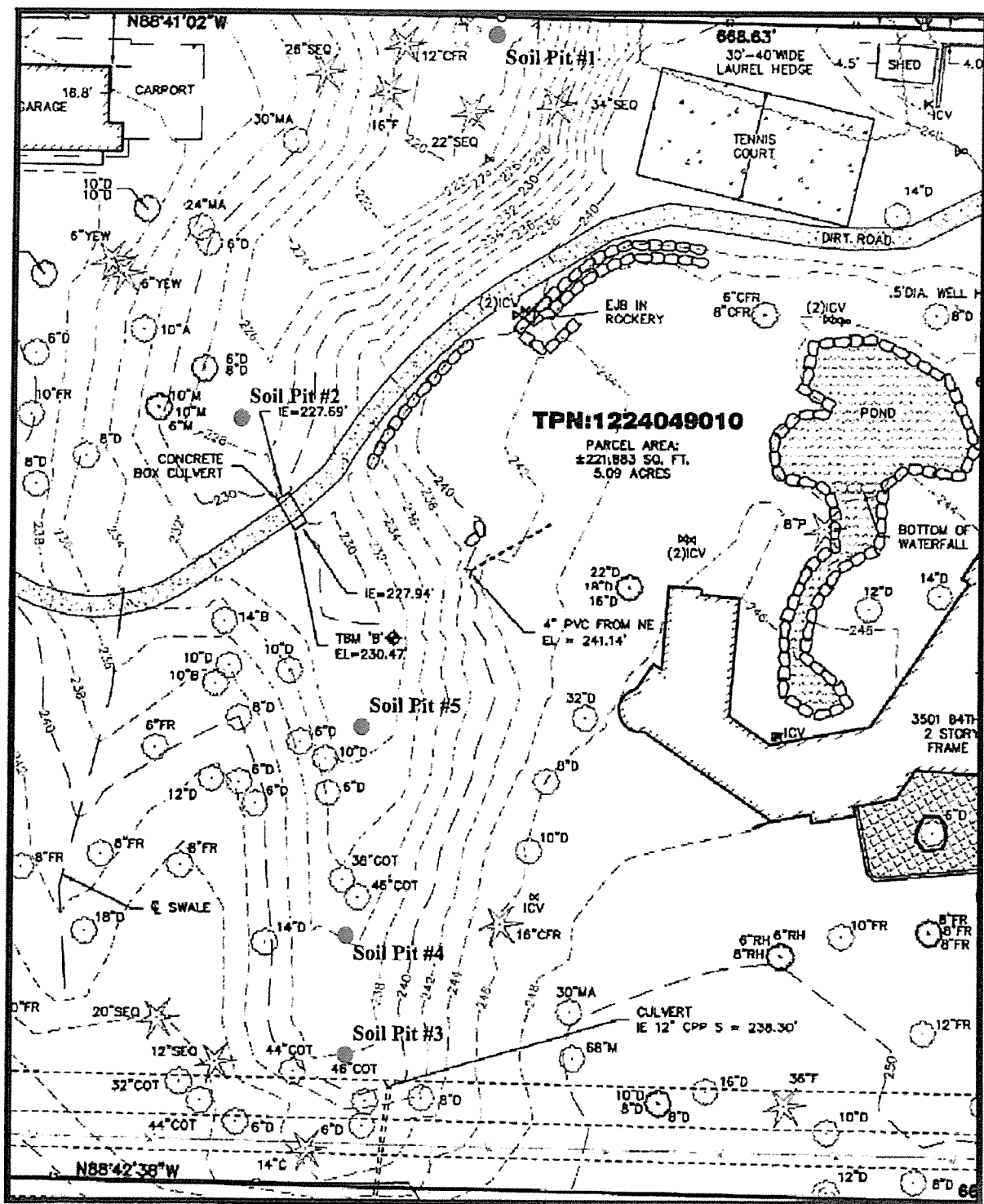
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Hruby, T. 2004. Washington State wetland rating system for western Washington - Revised. Publication # 04-06-025. Washington State Department of Ecology, Olympia, Washington.

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ATTACHMENT A

WATERSHED DYNAMICS SOIL PIT LOCATIONS



Watershed Dynamics Soil Pit Locations (Source: May 2, 2013 Watershed Dynamics letter)

ATTACHMENT B

KING COUNTY IMAP 1936 AERIAL PHOTOGRAPH

Coval Property



Legend

- County Boundary
- Mountain Peaks
- Contours (5ft light)
- 100;500;1000 (cont)

- Other
- Highways
- Streets
- Highway (cont)

- Arterials
- Local
- Parcels
- 1936 B/W Aerial Photos

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Date: 8/13/2013 Source: King County IMAP - Property Information (<http://www.metrokc.gov/GIS/IMAP>)





TRAFFIC AND TRANSPORTATION

Report on 84th Avenue S.E. and Impact from Coval Plat

In this section deficiencies in the existing street that serve the project will be analyzed. In addition, this section will show that a pedestrian route to the west over very steep slopes is likely not feasible and will not mitigate impacts of the project. Further this section will describe deficiencies in the plan for the private road on the site.

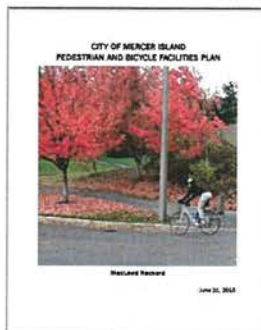
Current Condition of Roadway

The main arterial connecting the Coval property to the Town Center to the north and to S.E. 40th Street to the south, and to Island Crest Way, is 84th Avenue S.E. The road is described in the Pedestrian and Bicycle Facilities Plan as being from 16' to 20' wide, with gravel/grass shoulders, and mostly with ditches on the west side. This leaves no safe space for pedestrians in many places and forces them to "share" the road with cars, bicycles, and dog-walkers.



Looking north on 84th Avenue S.E.

The road is identified as a "key corridor", however it does not meet several of the performance criteria identified in the Pedestrian and Bicycle Facilities Plan such as:



Safety: *Is the route safe to use, can your children use it?*

All elements of the facility are safe for the use intended, hazards are removed and substandard elements are upgraded as per recommended design guidelines

Answer: *No, the road is not safe for children or adults on foot, bicycles, or other conveyances*

Continuity: *Are there gaps where there is no trail, path, shoulder or lane?*

Completeness of the pedestrian and/or bicycle facilities between desired destinations. Continuity is a quantitative measure, how much of the system is in place. It also carries assumptions that a poor sidewalk is better than none.

Answer: *Yes, there are multiple areas where there is no place to walk other than in the road.*

Condition: *Is the path muddy or dry, rutted or smooth, paved or not?*

A qualitative measure of how well each facility functions. Measures include appropriateness of the facility given physical and right-of-way constraints and general physical condition of the facility.

Answer: *The road is paved but there is no paved sidewalk. In some places there is gravel, but not along the entire length of the road. In some places there are only ditches.*





While the road is very straight along most of its length, the northernmost section of the road runs downhill into S.E. 28th Street with a dangerous curve with little visibility; cars frequently drive too fast and cannot anticipate what is around the corner. Additional car and bicycle traffic from additional homes will only exacerbate the problem. Families living on S.E. 28th Street and S.E. 29th Street can have difficulty entering the roadway because of rapid traffic.

Walking along the road from dusk until dawn can be frightening with blinding headlights and not being able to see anything. Without providing safe pedestrian walkways the risk of serious accidents will increase.

Construct sidewalk from Coval site to Island Crest.

The need for sidewalks along 84th Ave S.E. down to the Town Center have already been identified in the City of Mercer Island Pedestrian and Bicycle Facilities Plan (2010). The need for sidewalks will only be exacerbated with the increased traffic resulting from 18 additional homes on the Coval property. Already over three years ago three projects were identified to address the need for safer conditions for pedestrians walking from the Town Center up to 84th Avenue S.E.; these are N18 which would complete the sidewalk from the existing concrete sidewalk on S.E. 28th Street to S.E. 30th Street; N19 from SE 30th Street to SE 32nd Street; and N20 from S.E. 32nd Street to S.E. 37th Street. The Coval development should be responsible for at least some of this work.



Note the lack of safe areas to walk along the road.

Current Roadway Usage

84th Ave S.E., is a key arterial also classified as a primary bicycle corridor. It is viewed as being more user-friendly than Island Crest Way for cars, bicycles, and pedestrians.

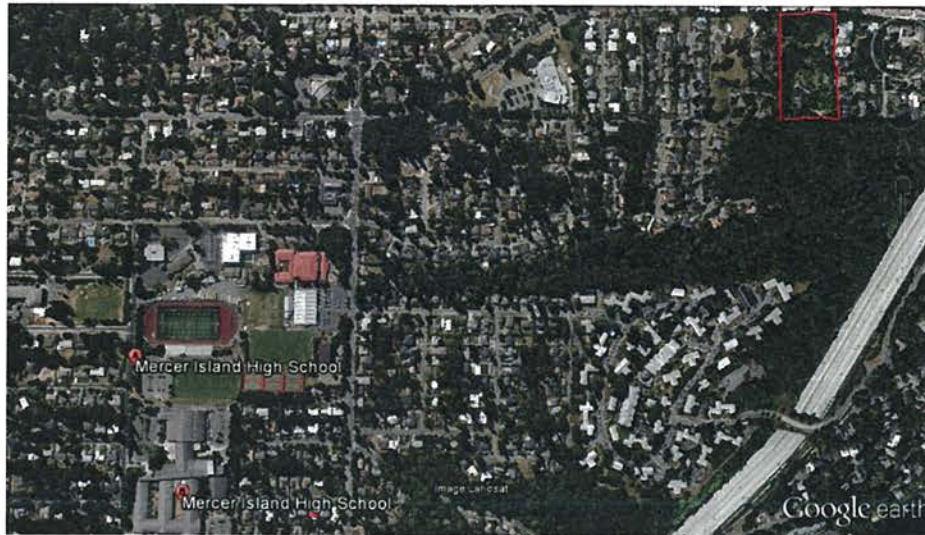
It is frequently used as a shortcut and to avoid using Island Crest Way to get to I-90 and Gallagher Hill. Approximately 140 homes have no other egress from their streets and must exit via 84th Avenue S.E.

It is neither wide enough nor configured to handle a mix of cars, bicycles, adults and children who may also be walking dogs, pushing strollers, or skateboarding. There are a number of schoolbus stops along the road but there are no sidewalks where children can wait. It is not safe during daylight hours and it can be treacherous after dark as there is no lighting other than what might come from some homes. Being a long straight road with no traffic lights, stop signs or speed bumps, cars frequently speed in both directions. There are hidden driveways and much plant growth at corners blocking the views of drivers both entering and exiting the side streets.



As there are no sidewalks, pedestrians can frequently be seen walking three or more abreast and then scurry to the side of the road when cars pass by.

The Coval property is just 1.2 miles from the High School which will probably also soon be the home of a new elementary school to accommodate a growing student population which will drive even more traffic through 84th Avenue S.E. The Coval property is outlined in red.



Impact of Coval Plat: Traffic Impact Analysis

The developers have submitted a traffic generation report which suggests that there will only be 13 Peak AM trips and 17 Peak PM trips generated by the new development. This was determined by using a formula in the *Institute of Transportation Engineers (ITE), Trip Generation Manual* and is based on the number of homes in a development or on a street, and drawing from studies around the country to obtain national averages. We can all agree that Mercer Island does not reflect national averages, and the homes to be built with a sales prices of \$1.5 to 2 million, are not "average". As the developer's peak hour trip numbers are below 20, the developer elected to not conduct a full-blown Traffic Impact Analysis, which is required by SEPA if the peak hour trips are over 20.

The ITE manual also provides another metric to determine peak hour trips which is based on numbers of cars per home which is deemed to be more reflective of specific communities and accurate for the purposes of projecting peak hour traffic flows; the factor can be found on p.316 of the 9th edition of the ITE Manual. To provide the Planning Commission and the City Council with what we believe to be a better projection of increased traffic as a result of this Mercer Island development, we conducted a survey of the number of cars per home in the immediate neighborhood of the proposed development, encompassing homes from S.E. 28th Street to SE 32nd Street. The Zillow home value ranged from \$739,000 to \$2.35 million with an average value of \$1.26 million which is somewhat less than the expected cost of the new homes. The survey was sent to forty homes; three surveys were returned and two others inadvertently went to individuals not living in the area. A total of 23 homes reported 57 cars with car ownership ranging between one and five cars per home. Results are shown for the first 18 to respond and also averaging the total and using the average to determine the total number of PM Peak Hour trips generated. The 0.67 factor is derived from the ITE manual. The results are as follows:

Homes	Total Cars	Average # Cars / Home	Factor	PM Peak Hour Trips Generated
First 18	46	2.555	0.67	30.82
All 23 respondents	57	2.478	0.67	29.88

Using this data, which is much more characteristic of Mercer Island, the Planning Commission should ask the developers to conduct the necessary Traffic Impact Analyses as there will be many more trips generated than projected. This needs to be taken into account as plans are made for building roadways, parking, sidewalks, and bus stops for children.

ITE preferred method.
ITE trip generation = trips by home -
variable -
"Standard used in previous"

Construct sidewalk from Coval site to Island Crest.

The need for sidewalks along 84th Ave S.E. down to the Town Center have already been identified in the City of Mercer Island Pedestrian and Bicycle Facilities Plan (2010). The need for sidewalks will only be exacerbated with the increased traffic resulting from 18 additional homes on the Coval property. Already over three years ago three projects were identified to address the need for safer conditions for pedestrians walking from the Town Center up to 84th Avenue S.E.; these are N18 which would complete the sidewalk from the existing concrete sidewalk on S.E. 28th Street to S.E. 30th Street; N19 from SE 30th Street to SE 32nd Street; and N20 from S.E. 32nd Street to S.E. 37th Street. The Coval development should be responsible for at least some of this work.

Recommendation: *The road should be built to the same standards as S.E. 33rd^h Place and S.E. 34th Place, both of which are 30' wide, including a 1-foot wide gutter on each side. Cars can pass easily even if there is a car parked on one side of the street.*

1. Internal Road

The proposed internal road (20' wide) will be too narrow to accommodate the proposed 18 homes even if each home has room for three parking spaces within a driveway and some of the homes are accessed from 84th Avenue S.E. A too narrow street will result in:

- overflow parking onto 84th Avenue S.E. which is not designed to handle overflow parking,
- difficult circulation at peak traffic times, especially if there are any cars parked in the street; and
- slow (if not stopped) car passage when garbage and recycling trucks, and large vans are servicing the street.



The experience of older neighboring roads that are narrow (20-24') is that it can be difficult to pass through the street if there are cars parked on the street, especially if they are on both sides; if two cars have to pass one another, one car almost always has to pull over to let the other one by. If anyone has a party, there is almost always overflow parking onto 84th Avenue S.E. If two houses have a party then you can be forced to park some cars at the Park and Ride lot. On a street with less than ten houses, with several empty-nesters and no teenage drivers this is a problem. On a street with 14-18 new larger houses, probably with at least some teenage drivers, this will be disastrous. It will also be dangerous for children, who though they may not be allowed to play in the street, will almost invariably have games that place them in the street and to ride bicycles and skateboards.

More recent developments such as S.E. 33rd Place and S.E. 34th Place have approximately the same number of homes as being proposed for this development. Their streets are 30' wide including a curb and one foot gutter on each side. There is room for parking on the road without impeding the flow of traffic.



S.E. 33rd Place



Recommendation: *The road should be built to the same standards as S.E. 34th Place and S.E. 35th Place, both of which are 30' wide, including a 1-foot wide gutter on each side. Cars can pass easily even if there is a car parked on one side of the street.*

Land Use: 210

Single-Family Detached Housing

Description

Single-family detached housing includes all single-family detached homes on individual lots. A typical site surveyed is a suburban subdivision.

Additional Data

The number of vehicles and residents had a high correlation with average weekday vehicle trip ends. The use of these variables was limited, however, because the number of vehicles and residents was often difficult to obtain or predict. The number of dwelling units was generally used as the independent variable of choice because it was usually readily available, easy to project and had a high correlation with average weekday vehicle trip ends.

This land use included data from a wide variety of units with different sizes, price ranges, locations and ages. Consequently, there was a wide variation in trips generated within this category. Other factors, such as geographic location and type of adjacent and nearby development, may also have had an effect on the site trip generation.

Single-family detached units had the highest trip generation rate per dwelling unit of all residential uses because they were the largest units in size and had more residents and more vehicles per unit than other residential land uses; they were generally located farther away from shopping centers, employment areas and other trip attractors than other residential land uses; and they generally had fewer alternative modes of transportation available because they were typically not as concentrated as other residential land uses.

The peak hour of the generator typically coincided with the peak hour of the adjacent street traffic.

The sites were surveyed between the late 1960s and the 2000s throughout the United States and Canada.

Source Numbers

1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 16, 19, 20, 21, 26, 34, 35, 36, 38, 40, 71, 72, 84, 91, 98, 100, 105, 108, 110, 114, 117, 119, 157, 167, 177, 187, 192, 207, 211, 246, 275, 283, 293, 300, 319, 320, 357, 384, 435, 550, 552, 579, 598, 601, 603, 611, 614, 637, 711, 735

Single-Family Detached Housing (210)

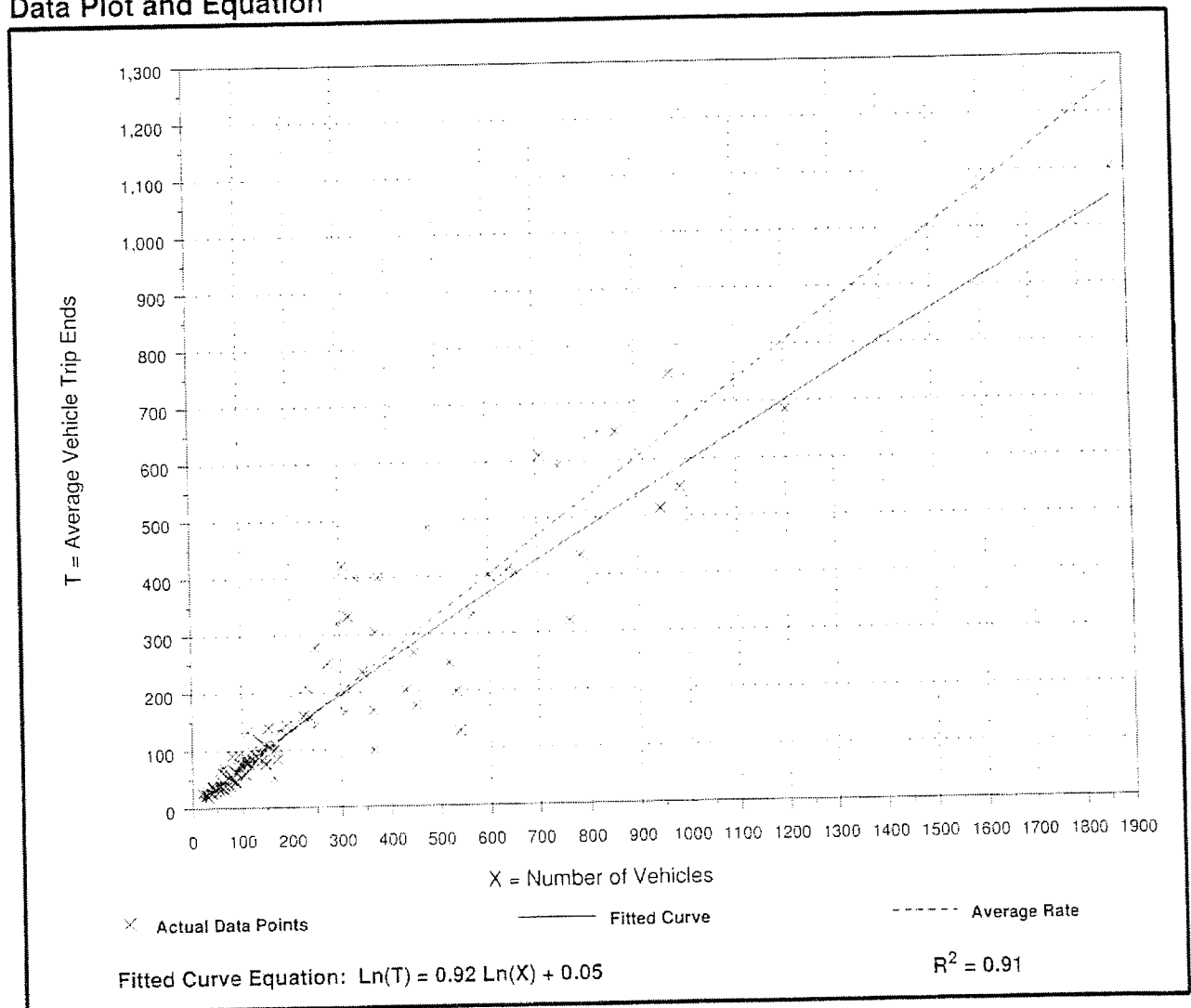
Average Vehicle Trip Ends vs: Vehicles
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Number of Studies: 110
Average Number of Vehicles: 260
Directional Distribution: 66% entering, 34% exiting

Trip Generation per Vehicle

Average Rate	Range of Rates	Standard Deviation
0.67	0.24 - 1.37	0.84

Data Plot and Equation



R.W. THORPE & ASSOCIATES, INC.

Seattle • Anchorage • Denver • Winthrop

❖ Planning | Landscape Architecture | Project Management | Environmental | Economics ❖

PRINCIPALS:

Robert W. Thorpe, AICP, President
Stephen Speidel, ASLA

ASSOCIATES:

Lee A. Michaelis, AICP, Senior Associate
Lindsay Diallo, RLA, Associate

Coval Preliminary Plat Planning Commission Hearing – January 15, 2014

Robert W. Thorpe, AICP

Summary of Testimony

- 1) Process: Disappointment – Public Input
Example: Revision of Application
- 2) Comprehensive Plan – Goals & Policies
50%+ Incompatible = Not Consistent
Basis for PC requiring Applicant to revise site plan
- 3) Watercourse/Critical Areas/Steep Slopes
“Is a watercourse” – Drains into Luther Burbank Park Swim Area.

Is a wetland
- 4) 75% OPTION = Save Green Area
Still Build Lots

5) Highest & Best Use

Land Residual Analysis

Economic Return – Greater in Green Option



ASSOCIATES:

Lee A. Michaelis, AICP, Senior Associate

Lindsay Diallo, RLA, Associate

ITEM	Gross \$	%
• Raw Land Cost		
• Soft Costs		
o Entitlements		
o Engineering/Planning/Legal		
o Permit Fees		
Mitigation Fees		
Entrepreneurial : Overhead		
: Profit		
Construction (Hard) Cost		
Finance Cost : Construction		
: Take Out		
Marketing/Sales/Escrow		
Finished Lot Price (From Market Comparables)		

Note: Formula can be utilized top to bottom or bottom to top.

Robert W. Thorpe, AICP
R. W. Thorpe & Associates, Inc.
BCC/ U. of Wa./ NAHB Classes

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Economics ❖

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Lindsay Diallo, RLA, Associate

Coval – Matrix Summary

The following Mercer Island Comprehensive Plan/ Development Regulation Goals, Policies, Objectives and Development Standards, produce a system for weighing the Washington Growth Management Act (GMA), Land Use Planning Act (LUPA), and City Plans and Regulations including the watercourse, tree preservation, grading, stormwater, and other building regulations to determine if the Proposal Coval Plat is compatible with the adopted Mercer Island plans and regulations. The preliminary Plat must show it is in compliance with a significant majority of the Goals, Policies, and Regulations (i.e. 80-90%) in order for the Planning Commission to approve the Preliminary Plat.

Conclusion: There are a few instances (i.e. 10-15%) where it can be argued that the Applicant meets the Goals/Policies (i.e. highly compatible/ somewhat compatible. In addition, 10-15% of the criteria are subjective i.e., not a clear showing of compatibility. However, analysis by Certified Planners (AICP), Registered Landscape Architects (ASLA, RLA), traffic engineers (RE's), Wetland Biologist, and other **professionals has determined that a strong argument can be made that well over 50% of the criteria are somewhat or highly in conflict with the 18 Lot Plat as proposed.**

The Planning Commission has a duty to remand the Preliminary Plat to the Applicant's Staff for revisions to clearly meet the State and Local Comprehensive Plans and regulations, as well as provide clear mitigation measures to address direct, indirect, and cumulative impacts.

“++” Highly Compatible	“+” Somewhat Compatible	“S” Subjective	“-” Somewhat incompatible	“- -” Highly Incompatible	“NA” Not Applicable
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Coval Plat Application		
Sub 13-009/SEPA 13-031		
Analysis for COMPATIBILITY CRITERIA		
Comprehensive Plan Land Use Goals and Policies		
Goal 7	<p>Mercer Island should remain principally a low density, single family residential community.</p>	S
7.1	<p>Existing land use policies, which strongly support the preservation of existing conditions in the single family residential zones, will continue to apply. Changes to the zoning code or development standards will be accomplished through code amendments.</p>	S
7.2	<p>Residential densities in single family areas will generally continue to occur at 3 to 5 units per acre, commensurate with current zoning. However, some adjustments may be made to allow the development of innovative housing types, such as accessory dwelling units and compact courtyard homes at slightly higher densities as outlined in the Housing Element.</p> <p><i>Does not utilize Section G - Optional Standards for Development.</i></p>	--
7.3	<p>Multi-family areas will continue to be low rise apartments and condos and duplex/triplex designs, and with the addition of the Commercial/Office (CO) zone, will be confined to those areas already designated as multi-family zones.</p>	N/A
7.4	<p>As a primary single family residential community with a high percentage of developed land, the community cannot provide for all types of land uses. Certain activities will be considered incompatible with present uses. Incompatible uses include land fills, correctional facilities, zoos, and airports. Compatible permitted uses such as education, recreation, open spaces, government social services and religious activities will be encouraged.</p> <p><i>See 7.1 response.</i></p>	--
Goal 8	<p>Achieve additional residential capacity in single family zones through flexible land use techniques.</p>	--
8.1	<p>Use existing housing stock to address changing population needs. Accessory housing units and shared housing opportunities should be considered in order to provide affordable housing, relieve tax burdens, and maintain existing, stable neighborhoods.</p>	-
8.2	<p>Through zoning and land use regulations provide adequate development capacity to accommodate Mercer Island's projected share of the King County population growth over the next 20 years.</p>	S/+
8.3	<p>Promote a range of housing opportunities to meet the needs of people who work and desire to live in Mercer Island</p>	-
8.4	<p>Promote accessory dwelling units in single-family districts subject to specific development and owner occupancy standards.</p>	-
8.5	<p>Encourage infill development on vacant or under-utilized sites that are outside of critical areas and ensure that the infill is compatible with the surrounding neighborhoods.</p> <p><i>Proposal removes 70% of site heritage trees and trees on western steep slope - CAO and seismic hazard area.</i></p>	--
Goal 9	<p>With the exception of allowing residential development, commercial designations and permitted uses under current zoning will not change.</p>	S/+
9.1	<p>The Planned Business Zone uses on the south end of Mercer Island are compatible with the surrounding single family zone needs. All activities in the PBZ are subject to design review. Supplemental design guidelines have been adopted.</p>	N/A

“++” Highly Compatible	“+” Somewhat Compatible	“S” Subjective	“-” Somewhat incompatible	“- -” Highly Incompatible	“NA” Not Applicable
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9.2	Commercial uses and densities near the I-90/East Mercer Way exit and SE 36 th Street are appropriate for that area. All activities in the CO zone are subject to design review and supplemental design guidelines may be adopted.	N/A
9.3	Inclusion of a range of residential densities should be allowed when compatible in the Commercial Office (CO) zones. Through rezones or changes in zoning district regulations, multi-family residences should be allowed in all commercial zones where adverse impacts to surrounding areas can be minimized. Housing should be used to create new, vibrant neighborhoods. <i>Significant impact on well established neighborhoods. Change to character of area with respect to Luther Burbank park.</i>	-
9.4	Social and recreation clubs, schools, and religious institutions are predominantly located in single family residential areas of the island. Development regulation should reflect the desire to retain viable and healthy social, recreational, educational, and religious organizations as community assets which are essential for the mental, physical and spiritual health of Mercer Island.	N/A
Goal 10	The protection of the natural environment will continue to be a priority in all Island development. Protection of the environment and private property rights will be consistent with all state and federal laws. <i>See previous - CAO - Wetlands, waterways, "Heritage trees", Coval "Heritage" House & Koi Pond - Steep Slopes - loss of vegetation / screening - increasing slide potential.</i>	--
10.1	The City of Mercer Island shall protect environmentally sensitive lands such as watercourses, geologic hazard areas, steep slopes, shorelines, wildlife habitat conservation areas, and wetlands. Such protection should continue through the implementation and enforcement of critical areas and shoreline regulations. <i>Application proposes to remove wetlands, steep slopes, watercourse, two thirds of heritage trees, and fill entire site. No downstream analysis of impacts on lower Luther Burbank park swimming beaches nor of salmonid spawning areas in Lake Washington.</i>	--
10.2	Land use actions, storm water regulations and basin planning should reflect intent to maintain and improve the ecological health of watercourses and Lake Washington water quality. <i>Watercourses/wetlands/heritage trees removed proposed. No drainage improvement proposed in Upper Luther Burbank.</i>	--
10.3	New development should be designed to avoid increasing risks to people and property associated with natural hazards. <i>Potential seismic impacts from grading and tree removal on 40% slope. Removal of 70% of trees fills wetlands and watercourses.</i>	--
10.4	The ecological functions of watercourses, wetlands, and habitat conservation areas should be maintained and protected from the potential impacts associated with development. <i>See previous.</i>	--
10.5	The City shall consider best available science during the development and implementation of critical areas regulations. Regulations will be updated periodically to incorporate new information and, at a minimum, every seven years as required by the Growth Management Act. <i>This watercourse is shown on adopted City of Mercer Island Shorelines Master Program and City GIS maps. Has DOE, Tribes been notified? Have they consented?</i>	-
Goal 11	Continue to maintain the Island's unique quality of life through open space preservation, park and trail development and well-designed public facilities. <i>Impacts to Luther Burbank - trails developed by EarthCorps / Boy Scouts / City Parks Department</i>	-/S
11.2	More specific policy direction for parks and open space shall be identified in the Parks and Recreation Plan and the Pedestrian and Bicycle Facility Plan. These plans shall be updated periodically to reflect changing needs in the community.	--

“++” Highly Compatible	“+” Somewhat Compatible	“S” Subjective	“-” Somewhat incompatible	“- -” Highly Incompatible	“NA” Not Applicable
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	No bike lanes - houses front on 84th rather than proposed new interior roadway. (As required in Beckes Homes 6-lot plat -- near Library.)	
11.3	Acquisition, maintenance and access to public areas, preserved as natural open spaces or developed for recreational purposes, will continue to be an essential element for maintaining the community's character.	
	See previous.	
11.4	View preservation actions should be balanced with the efforts to preserve the community's natural vegetation and tree cover.	--
	Plan is to remove trees / grade slope on west for 4 new homes views to the West.	
11.7	Provide a system of attractive, safe, and functional parks, and park facilities.	N/A
11.8	Preserve natural and developed open space environments and trails for the benefit of existing and future generations.	S/-
	See previous.	
11.1	Funding for existing facilities should be provided at a level necessary to sustain and enhance parks, trails and open space consistent with the Parks and Recreation Plan, the Trails Plan and the Capital Facilities Element.	N/A
11.11	Promptly investigate open space acquisition opportunities as they become available.	N/A
11.12	Pursue state and federal grant funding for parks and open space improvements.	N/A
Subdivision Design Standards		
A. Compliance with Other Laws and Regulations	1. The proposed subdivision shall comply with arterial, capital facility, and land use elements of the comprehensive plan; all other chapters of the development code; the Shoreline Management Act; and other applicable legislation.	-/S
	See Comprehensive Plan Goals and Policies, and conflict with Shoreline Master Program - shows watercourse on site.	
B. Public Improvements	1. The subdivision shall be reconciled as far as possible with current official plans for acquisition and development of arterial or other public streets, trails, public buildings, utilities, parks, playgrounds, and other public improvements.	S/-
	2. If the preliminary plat includes a dedication of a public park with an area of less than two acres and the donor has designated that the park be named in honor of a deceased individual of good character, the city shall adopt the designated name.	N/A
C. Control of Hazards	1. Where the project may adversely impact the health, safety, and welfare of, or inflict expense or damage upon, residents or property owners within or adjoining the project, other members of the public, the state, the city, or other municipal corporations due to flooding, drainage problems, critical slopes, unstable soils, traffic access, public safety problems, or other causes, the city council in the case of a long subdivision, or the code official in the case of a short subdivision or lot line revision, shall require the applicant to adequately control such hazards or give adequate security for damages that may result from the project, or both.	-
	See previous response; steep slopes - no detailed analysis of water quality - issues: direct access - on 84th, drainage - no downstream storm water analysis, tree, watercourse, wetlands removal.	
	2. If there are soils or drainage problems, the city engineer may require that a Washington registered civil engineer perform a geotechnical investigation of each lot in the project. The report shall recommend the corrective action likely to prevent damage to the areas where such soils or drainage problems exist. Storm water shall be managed in accordance with the criteria set out in MICC 15.09.030 and shall not increase likely damage to downstream or upstream facilities or properties.	S
	Conflicting experts on drainage - no downstream analysis	

“++” Highly Compatible	“+” Somewhat Compatible	“S” Subjective	“-” Somewhat incompatible	“- -” Highly Incompatible	“NA” Not Applicable
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	3. Alternative tightline storm drains to Lake Washington shall not cause added impact to the properties, and the applicant shall submit supportive calculations for storm drainage detention. <i>Unknown - no plan outside site</i>	S
D. Streets, Roads, and Rights-of-Way	1. The width and location of rights-of-way for major, secondary, and collector arterial streets shall be as set forth in the comprehensive arterial plan.	N/A
	2. Public rights-of-way shall comply with the requirements set out in MICC 19.09.030. <i>Plat does not provide for on-street parking - parking limited to house driveways.</i>	S
	3. Private access roads shall meet the criteria set out in MICC 19.09.040. <i>See previous.</i>	S
	4. Streets of the proposed subdivision shall connect with existing improved public streets, or with existing improved private access roads subject to easements of way in favor of the land to be subdivided.	+
E. Residential Lots	1. The area, width, and depth of each residential lot shall conform to the requirements for the zone in which the lot is located. Any lot which is located in two or more zones shall conform to the zoning requirements determined by the criteria set out in MICC 19.01.040(G)(2). <i>Does not utilize 75% lot average option.</i>	+/-
	2. Each side line of a lot shall be approximately perpendicular or radial to the center line of the street on which the lot fronts.	
F. Design Standards for Special Conditions	1. Subdivisions abutting an arterial street as shown on the comprehensive arterial plan shall be oriented to require the rear or side portion of the lots to abut the arterial and provide for internal access streets.	N/A
	2. Where critical areas meeting the criteria set out in Chapter 19.07 MICC are present within the subdivision, the code official or city council may:	- -
	a. Require that certain portions of the long subdivision or short subdivision remain undeveloped with such restrictions shown on the official documents; b. Increase the usual building set-back requirements; and/or c. Require appropriate building techniques to reduce the impact of site development.	+/-
	<i>Note: The applicant has proposed some tree retention until specific lot building plans are approved. However that is AFTER 70% of the trees and those on the west slope, as well as along watercourse/wetland are removed.</i>	
	In situations where designing a long subdivision or short subdivision to the requirements of subsections A through F of this section would substantially hinder the permanent retention of wooded or steep areas or other natural features; preclude the provision of parks, playgrounds, or other noncommercial recreational areas for neighborhood use and enjoyment; or would negatively impact the physiographic features and/or existing ground cover of the subject area, the applicant may request that the project be evaluated under the following standards...	N/A
	1. The use of the land in the long subdivision or short subdivision shall be one permitted in the zone in which the long subdivision or short subdivision is located.	S +
	2. The number of lots shall not exceed the number that would otherwise be permitted within the area being subdivided, excluding the shorelands part of any such lot and any part of such lot that is part of a street. <i>Reduce number of lots or use alternate design option - minimal lots 75% of zone. This would provide better site utilization and very likely would result in greater economic return to developer/builders.</i>	+/ S

"++" Highly Compatible	"+" Somewhat Compatible	"S" Subjective	"-" Somewhat incompatible	"--" Highly Incompatible	"NA" Not Applicable
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G. Optional Standards for Development	3. An area suitable for a private or public open space tract shall be set aside for such use.	--
	<i>See RWT/A Site Alternative</i>	
	4. The lots may be of different areas, but the minimum lot area, minimum lot width, and minimum lot depth shall each be at least 75 percent of that otherwise required in the zone in which the long subdivision or short subdivision is located. In no case shall the lot area be less than 75 percent of that otherwise required in the zone. Lot size averaging must be incorporated if lot width or depth requirements are 75 percent of the minimum that would otherwise be required for the zone without utilizing the optional development standards. Any designated open space or recreational tract shall not be considered a lot.	--
	<i>This option would address many of the Comprehensive Plan subdivision goals, policies, and regulations - as well as preservation of all critical areas - while achieving the applicant's goal in terms of number of lots. Construction costs would be reduced significantly. Most important, utilizing similar Mercer Island plat development designs - more open space results in same number of lots and homes having much greater value and economic return.</i>	
	5. The ownership and use of any designated open space or recreational tract, if private, shall be	-
	<i>Can be provided in optional standard plat layout -- See RWT/A, two design layouts.</i>	
	6. The open space or recreational tract must remain in its approved configuration and be maintained in accordance with approved plans. Any deviation from the foregoing conditions must receive expressed approval from the planning commission. (Ord. 08C-01 § 4; Ord. 99C-13 § 1).	N/A
	<i>See previous.</i>	
	Design Guidelines - Mercer Island City Code 19.12	
	MICC - May require review by Design Commission	

Qualifications of Robert W. Thorpe, AICP

Principal/President

EDUCATION

University of Washington: Dual Masters Program Thesis: **Acquiring / Preserving Open Space in Washington State;** M-Urban Planning/Design (Urban Planning Curriculum) M-Urban Development (MBA Curriculum), 1973.

University of Nebraska: BS Business Administration and Economics, Minors: Architecture and Art, 1966.

Bellevue Community College: 1974 to 1976 - Real Estate Certificate.

MAI Course Work: Seattle University, MAI Course 1A, '77; MAI Course 1B, '78; Bellingham, WA - Feasibility I: '77, II: '78; Bellevue - Course 7 - Standards of Practice, '84, 520- Highest & Best Use, U. of Phoenix, Tukwila '04.

EXPERIENCE

Principal, R.W. Thorpe & Associates, Inc., Seattle/Anchorage/Denver/Winthrop, ('74-'75 Part Time), 1976 to present. Project management / supervision to all team projects. Over 5,000 total assignments, 1,000 Rezones, Comprehensive Plan Changes, CUPs and Shorelines Permits, etc.; 400 EIS's / Environmental Reports; 700+ Highest and Best Use/Feasibility Analyses. Expert Witness – Highest and Best Use, Takings, SEPA, and Urban Planning

Instructor / Lecturer, Bellevue Community College, 1976-2009, 2011; Graduate Program and Certificate in Real Estate, Univ. of Washington - Real Estate and Urban Planning, 1973 to present; Washington State University - Regional Planning and Landscape Architecture, 1981 to present; University of Nebraska - 1984 to present; University of Alaska, Juneau - 1986; University of Colorado, Denver - 1988 to present; Arizona State, Tempe - 1996. Master Builders/ NAHB Instructor – 1992 to Present. Chair, Land Planning and Development, MBAU - King County King/Snohomish County Master Builders Association.

Assistant Director, Community Development / Building Department, City of Mercer Island, 1971 to 1976. Staff to Planning Commission and City Council; new Comprehensive Plan, environmental factors study, land use planning, zoning, ordinance writing, transit study; Mercer Island Drainage Study Team, design guidelines; Administered Subdivision and Shorelines Management Regulations; I-90 Design Team and City's EIS Coordinator; Lake Washington Shorelines Management Master Program Staff. Mercer Island Responsible Official – SEPA '71-'76.

Regional Planner, Daniel, Mann, Johnson & Mendenhall, Seattle, WA, 1970 to 1971. Auburn-Bothell Corridor Study; Juneau Transit Study; Alaska Land Use Study – Phase I.

Design Planner, Harstad Associates, Inc., Seattle, WA, 1969 to 1970. Comprehensive Plans for North Bend, Kitsap County, Mercer Island, WA. Ski Resort - Smith Ferry, Idaho; Master Planning for a 13,000 Acre Nettleton Lakes PUD in Kitsap County; and a 12,000 Acre Master Plan - El Rincon, Baja, Mexico. Various Land Use / Feasibility studies/Urban Design/ Landscape Design.

Site Planner / Industrial Engineer, Boeing Company, Seattle, WA, 1966 to 1969. Industrial Siting Studies; Facilities Planning and Implementation. New facilities at Auburn and Everett.

PROFESSIONAL ASSOCIATIONS/EDUCATIONAL

AICP - American Institute of Certified Planners, 1978 to present (Charter Member)

American Institute of Appraisers (MAI, Candidate - Various years) – Associate/Instructor

American Planning Association – APA – Puget Sound Section – President 2006-7; Law Conference Chair 2007-9
Washington State Chapter – Legislative Committee 2000 to present

AIA - R/UDAT Team Member - Farmington, New Mexico - 1989

Bellevue Community College Faculty 1977 to present – Senior Faculty – Real Estate/ Land Planning/Appraisal

Boys & Girls Club – Mercer Island – Board of Directors – 2007-2013; Chair, Tween Program

Building Industry Legal Trust Fund - Advisory Committee, 1992 to present – 2005/2006 Chair

Emmanuel Episcopal Church – Development Committee – Co-Chair – Permitting/Landscape Architecture

Habitat for Humanity of East King County – Past Board Member (2003-2006 – Three year term.)

International Conference of Shopping Centers Associate, Chair of Downtown Retail Committee Council (2001-4)

King County Executive - **DDes Reorganization Committee – 1994 (Executive Gary Locke)**

Kappa Sigma International Fraternity – Past Alumni Development Commissioner / District Advisor

Master Builders Assn. Director – King/Snohomish Counties – MBA University; Chair, Land Development Education

Mercer Island Development Advisory Committee - 1991 to 2002

Mercer Island Open Space Conservancy Trust Board – 1999 – present; Vice-Chair

National Association of Homebuilders – NAHB Instructor, Land Development Classes 1990 - present

Neighborhood Retailers of Washington – 1990's

Univ. of Washington Certificate in Real Estate Instructor - Planning Masters Program, Guest Lecturer 2008 - present
Urban Land Institute (ULI)

Who's Who Among Outstanding American Executives and Professionals

Qualifications of Robert W. Thorpe, AICP, Principal/President

SPECIAL EXPERIENCE/EXPERTISE

- Witness: Qualified Expert Witness in Washington, Oregon, Wyoming, Alaska and Federal courts, and Judicial Mediation Boards. Quasi-judicial proceedings before Planning Commissions, Councils and Hearing Examiners. Land use, "takings" condemnation, economic feasibility, SEPA/NEPA, shorelines, SAOs, development costs, etc.
- Instructor / Senior Faculty Member: Bellevue Community College. Urban Planning, Land Development and Real Estate Appraisal and Real Estate Finance 1976 to present.
- Instructor: University of Washington – Graduate Program/Certificate in Real Estate
- Instructor: Real Estate Classes - Washington Association of Commercial Realtors, Building Industry of Washington, National Association of Homebuilders, and Chair – Land Planning/Urban Development/Finance, Master Builders of King and Snohomish Counties (MBAU).
- Graduate Classes: Regional Planning / Environmental Services / Landscape Architecture, Washington State University, various years starting in 1981.
- Guest Lecturer / Graduate / Undergraduate Urban Planning Class, University of Washington, Extension Division – 1995 to present, University of Nebraska, 1985 to present, and University of Alaska, Juneau, 1985 to 1986, Guest Lecturer. Western Washington University and Arizona State University, Guest Lecturer. Regional Planning / Landscape Architecture - Washington State University, 1981 to present, Program Advisory Committee. Senior Critiques and Guest Lecturer, Senior Faculty / Real Estate Advisory Committee.
- Advisory Committee/ Staff: Washington State DOE - SEPA Guidelines, 1972-1973.
- Shorelines Management / Lake Washington Model Program - Washington State DOE, 1972-1973

Speaker / Publications:

- Site Selection, Zoning, Highest and Best Use Most Probable Use, Development Costs – 30+ years
- Land Planning and Land Economics, miscellaneous real estate appraisal/professional societies, 30+ years
- League of Oregon Cities - Design Commissions / Tree Ordinances / SAOs 1074 & 1976
- Open Space Conference - Boulder, Colorado - July 1988
- Retail Site Selection / Zoning - NACOR, 1993 to present
- King County Assessor - Highest and Best Use Classes - 1996, 1997, 1999
- ICSC - Washington / Oregon Conference - Port Ludlow – 1999, Semiahmoo 2003
- Law Seminars International, Seattle – Eminent Domain "Property Owners Perspective" 7/2001
- Law Seminars International, Seattle – Valuation – Temporary Takings "Proving What Has Been Lost" 11/01
- Law Seminars International, Seattle – Government Takings – "Partial Takings" 12/2003
- Appraisal Institute – Miscellaneous – 1985 to present, MAI classes – 2004
- Planning Law Conferences – Regulatory Takings – APA Washington – Bellevue April '07, '09, '11, '13.
- Law Seminars International, Seattle – Government Takings Panel Practice Session (Kinnon Williams, Atty.), 11/2007.

Publications:

- Preserving Open Space Under Washington Statutes – MUP/MUD Thesis June 1973
- Highest and Best Uses, Steps 1 & 2 – Land Planning and Development Text – Bellevue College and various Universities.
- The Zoning Game Revisited – Draft Text/Book (work in progress).

PROJECTS AND STUDIES (Prior to R.W. Thorpe & Associates, Inc.) P-Project Manager, A-Author, R-Review

City of Mercer Island – Assistant Director/SEPA Official

P	Zoning / Subdivision – Update	R	City Budgets – Co-authored/Reviewed, 5 years
P	Responsible Official - SEPA Ordinance	P	Capital Improvement Programs, 5 years
P	Administrator - Shorelines Management	A	An Approach to Environmental Zoning
A	I-90 EIS - Mercer Island, Technical Review	A	Cost Benefit Analysis – Rezones
R	Design Guidelines-Design Commission	A/P	Comprehensive Plan Elements
P	Island Attitude Survey (Open Space)		

Harstad Associates, Inc., Seattle - Urban Designer/Planner

- Nettleton Lakes Project - Kitsap County (Hood Canal), WA - Master Plan / PUD for 13,000 acre / residential recreational development - 1,000-slip marina, Robert Trent Jones, Sr. 36-hole golf course
- Smith Ferry, ID - Master Plan: Waterfront Residential / Ski Area / Marina
- El Rincon, Baja, Mexico - 12,000 Acre Recreational Master Plan
- Comprehensive Plans - North Bend, Mercer Island, Wapato, Kitsap County, WA; Cutbank, Deer Lodge, MT

Daniel, Mann, Johnson & Mendenhall, Seattle – Regional / Environmental Planner

- Phase II - Auburn / Bothell Corridor Study - State Highway Feasibility Study (I-605) Land use, environmental/ economic/demographic/ communities and citizen group coordination.
- Support services: Juneau Transit Study and Alaska State Land Use Study.

Land Use / SEPA / NEPA/ Shorelines

- **Somerset Condo** - EIS Appeal (Washington Supreme Court) - 1978
- **Truly Property** - Bothell - 1979+
- **Concerned v. Kitsap** - 1980/1981 (Silverdale Mall EIS) King County Superior Court (Utilized Barrie I and II - Kitsap County Cases)
- **Earlington Park** Rezone, Renton - 1979
- **Spanaway K-Mart** - SEPA Appeal - 1982
- **Cammack Orchards I & II** - Douglas County SEPA - Court of Appeals
- **Rainier Terrace** - King County (Newcastle) FEIS - SEPA Appeal (Murray Franklin) - 1983
- **City of Des Moines** - Adult Theater Ordinance - 1984
- **Pigeon Point** - City of Seattle - FEIS Appeal - 1984
- **Sammamish Park Place** - King Co. (Vyzis) - 1984
- **John Henry Mine** DEIS/FEIS Appeals - City of Black Diamond - 1984
- **Walla Walla Regional Shopping Center** Rezone & EIS Appeals - 1985
- **Rainier Terrace** Pierce Co. MPD - 1985
- **Safeway** - W-557 - East Bellevue - FEIS 1985 SEPA Appeals
- **Sumas Mountain** ORV Trail Plan EIS 1985 - Resident Appeals
- **Alderra/Boeing Property** - Fall City - EIS 1986
- **Monterey Terrace** - Renton - Rezone and EIS Appeal - 1986
- **Kent East Hill Plaza** (Target) - Rezone and EIS Appeals - 1986
- **Boeing Corporation Headquarters** EIS - Renton - SEPA Appeals - 1987
- **City of Brier** - Comprehensive Plan & EIS Appeal (1987)
- **Early Winters** SEPA Appeals - Okanogan County Ordinances Updates and EIS's - State and Federal Courts - 1987+
- **Rivera & Green** Gravel Pit EIS - Jones Road - King County Appeal - 1988
- **Park Place** EIS - Appeal - Seattle - 1988
- **Yakima Sun Dome** FEIS Appeals 1988
- **Lee Plaza** - EIS Appeals - Seattle - 1989
- **Thrashers Corner** Rezone / EIS - Appeals - Snohomish County - Griffin Co. - 1989
- **Okanogan Co.** Land Use Regulation/ Wildlife Plan EIS - 1990
- **Fryelands** - Monroe EIS - Appeal - 1991
- **Yamamoto** - Fife - Rezone - 1991
- **410 Quarry** - FEIS - King County - 1991
- **South Seattle Community College** FEIS - 1992
- **Wal-Mart** - Oak Harbor - Rezone Annexation/ SEPA Appeals-DOWL-1992
- **Olson's Grocery** - Northgate- Design/ SEPA/Wetland Mitigation/ Appeal - 1993
- **Oosterwylc Gardens** - SEPA Appeal - King County - 1993
- **Pioneer Human Services** - MUP Appeal - City of Seattle - 1993
- **Hon's Entertainment v. King County** - 1993
- **Abraham Pentecostal Church** - Renton - CUP & SEPA Appeals - 1994
- **Meeker Square** - Kent - H&BU - Land Use Appeals - Martin Smith - 1995
- **Torrance, J. - Mariner Stadium** - Feasibility, North Lot - SEPA Hearings - 1996
- **Trammel Crow** - Redmond - EIS Addendum and Appeals - 1997

- Anderson, Bruce v. **City of Kent** - Design Guidelines - 1997
- **Arabella's Landing** - Gig Harbor - 1997
- **Palmer Groth & Pietka** - Highest & Best Use Washington DNR Holdings - 1998

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Representative Expert Witness Experience

Land Use / SEPA / NEPA / Shorelines

(Continued)

- **Lindstrom** - King Co. - Park Mitigation 1998 - Mediation
- **Cadman** EIS Appeals - Snohomish Co. 1999 - Hearing Examiner/Mediation
- **NW Yeshiva High School** - Mercer Island - CUP & SEPA Appeals - 1999
- **Fox, Virgil** - Birchfield - Lewis County Master Plan & FEIS Appeals - 1996-2000
- **Association of Washington Business v. WS DOE** -Shorelines Regulations Appeals - 2000
- **City of Spokane** Adult Theater Ordinance - 2001
- **Sammamish Trail Mitigation** - CSALT - 2001 SEPA Appeals
- **Cedar Park Assembly of God** - SEPA Appeal - 2001
- **EarthJustice/ Greater Yellowstone Coalition-Jackson Teton Co., Wy.** - Fed. Court, Casper, Wy. 2002
- **Dollar v. Starbucks/City of Mercer Island, et.al.** Marco de sa e Silva, Davis WrightTremaine - King Co. Superior Court - Decision for Starbucks - 2003
- **StockPot v. King Co.** (Brightwater) SEPA Appeal/Mediation Chuck Maduell - 2004
- **KRKO Towers EIS - SEPA Appeals** - Snohomish County 2005
- **Kitsap Master Builders v. City of Bainbridge Island, Div. F** Appellate Court - 2005
- **Westmark Development Co. v. City of Burien** -Washington State Superior Court - 2005, Div. I - 2007.
- **Central Pre-Mix FEIS** - SEPA Appeal - City of Pasco - 2006
- **BNY Mellon** - Tukwila Shorelines Analysis 2008
- **Westmark** EIS Appeals - Burien 2008
- **Holmquist** - Due Process (Fed. Ct.) P. Vail, 2009
- **Eastlink** Light Rail EIS - Bellevue Business Owners, 2009
- **Kitsap Home Builders v. City of Bainbridge Island**, 2009
- **Rabanco** - City of Ferndale LID Assessment Appeal (Al Wallace), 2009
- **Tuscan Village** - Staff Report to Hearing Examiner, 2009
- **Desimone Trusts** - Tukwila Shorelines Hearings 2009
- **Cohen Family** - Stack Hill - Ruston, WA Permitting/Damages, 2009
- **Pope Resources**, Skamania County - Downzone Appeal, 2010
- **Gabelein v. Gabelein**, Whidbey Island, Island County Court - Mediation Panel, 2010
- **Davidson, K.** - ParkPlace SEPA/MUP Appeals, Kirkland, 2010
- **Ruth/Prouty** - Conservation Trusts/IRS Appeals, 2010
- **Vel Dwyk v. Safeway** - Damages (R. Aramburu) 2010
- **Olympic Resource Management**, Kitsap Co. SMA (2012)
- **Jan Van Halder** SFR Bulkhead, JARPA (2012)

- *Three Fingers* – Lake Chelan (S.Mackie, Aty) (2012)

Condemnation/Valuation/Feasibility – 1998 to present

- **Kilroy Industries - SeaTac Office Park – Moratorium/**
Development Guidelines – D. Reynolds, Atty. (98 & 99)
- **Seattle School District - Condemnation (1998)**
- **Schaake Property - Ellensburg – H&BU, Master Plan**
- Bill Mundy, MAI (Ellensburg Approved) (98)
- **Hom et.al. (SeaTac Airport Condemnation) -**
8 properties - Rogers & Hurley, Atys. (98)
- **Marshall v. Whatcom County, Kurt Denke, Atty. (99)**
- **J. Campbell Estate - King County Condemn. (99)**
- **Torrance v. King County (Kent Valley) E. Spencer (99)**
- **Merlino - Bellevue Condemn. M. Rogers, Attorney (99)**
- **Diamond & Republic Parking, et.al. – Seattle Convention**
Center Condemnations Mundy & Associates (99)
- **Burlington Northern & Santa Fe Railroad - Portland, Or.**
Litigation Bullivant Houser Bailey, Portland (2000)
- **DINA Corporation - 2nd & Virginia (2000)**
- **Davis and Tisdale - Issaquah Highlands - Road**
Condemnation - M. Rogers, J. Fitzgerald, Atys. (2000)
- **Sound Heating, Pierce County - D. Pierson, Atty (2000)**
- **Beck – Canyon Road H&BU – Pierce Co. – R. Pierson (02)**
- **Bennett Condemnation – City of Tumwater (02)**
- **Earth Justice Canyon Club – Jackson Wyoming (02)**
- **ELSCA– Expert Witness/Cost of Trail - P.Eglick, Atty (02)**
- **Larson WS DOT Taking MPU & H&BU (02)**
- **Motel 6 - City of SeaTac Condemnation - A. Gibbons Appr. (02)**
- **Dollar Rent-A-Car - City of SeaTac Condemnation (02)**
- **PGP Valuation - City of Seattle Greenbelt (02)**
- **Port of Seattle (client) v. All American Homes –**
Condemnation – Graham & Dunn, Attorneys (02)
- **Rocinante Family Trust Fed. Wy. Parking Lot Take (02)**
- **Sargent, Gary - WS DOT, Issaquah - R. Hill, Atty (02)**
- **Sawyer – Canyon Road H&BU – Pierce Co. (02)**
- **Weatherwax Farms, Inc. – Elk Run, Co. (02)**
- **Legacy Partners c/o S. Wallace Bellevue, ST Condemn. (03)**
- **Happy Valley – Sahallee Road Widening S. Smith, Atty (03)**
- **Kentwood Plaza - Titus Condemnation (03)**
- **Third Ave South Filson Monorail Take R.Hoefer, Appr.(03)**
- **Alberg – Carnation BPA Take – McElroy Law Firm (04)**
- **Chen, L. – Monorail Take – D. Dunphy Atty (04)**
- **Dally, D. – Seattle Sound Transit Take (04)**
- **Grace Church ST Take - Parking - R. Pierson, Atty (04)**
- **Happy Valley (King County) Scott Smith, Attorney**
- **Jack's Auto ST Take – H&BU - R. Pierson, Atty (04)**
- **Lago de Plata H&BU (Road Widening) (04)**
- **Master Builders Assoc. School Impact Fee Analysis (04)**
- **Marsh Chiropractic KCFD Taking H&BU - R. Pierson, Atty (04)**
- **Miller – PetCo Bldg. Monorail Take - S. Smith, Atty (04)**
- **PGP Auburn/Gas Pipeline Easement (04)**
- **Pittmon, Seattle Sound Transit Take - R. Pierson (04)**
- **Power, Vic - Okanogan Co. Take - R. Price, Atty (04)**
- **Raab, G. - SR 202 Take - R. Pierson Atty (04)**
- **Sayani – Westmark v. City of Burien - J. Groen, Atty (04)**
- **Stewart (Agricultural District) v. King County –**
Negotiation - Elaine Stewart, Graham & Dunn (04)
- **Seattle Monorail vs. Various Property Owners (04)**
- **Sound Transit v. Eastey Family (8 properties) (04)**
- **Sound Transit v. Sebco/Jay Ayers - Taking/H&BU (04)**
- **Turple, E. - SR 202 Take - R. Pierson Atty (04)**
- **Verizon - Mt. Vernon I-5 Overpass Take (04)**
- **Bruya, E. - Monorail Taking Impact Kevin Roberts, Atty (05)**
- **Carosino - ST Take – Bridge Impact Analysis (05)**
- **Chotzen – Starbucks MLK Cost to Cure, R. Pierson Atty (05)**
- **Churchill I-405 Take H&BU - L. Studebaker, Atty (05)**
- **Coe – Lk. Forest Pk. WSDOT Take – H&BU/Prob Use (05)**
- **Easty, P. – Metro Pipeline Impact (05)**
- **Hoang v. Sound Transit MLK Jr Way – D. Tran, Atty (05)**
- **Hoefer - Seattle Monrail v. “Sinking Ship Garage” (05)**
- **Titus Covington Condemnation (05)**
- **Westward Mobile Home Pk. - ST take J. Dore, Atty (05)**
- **Wick, D. – WA DNR Bothell – 26 Ac. Site (05)**
- **Acton Const. Emerald Heights Take /Feasibility - Graham**
& Dunn, L. Smith, Attorney (06)
- **Klein, E. – Blaine Airport Taking H&BU – R. Pierson, Atty (06)**
- **K-Mart Yakima – Road Taking – Graham & Dunn (06)**
- **Malk Seattle - Sound Transit Take – D. Dunphy, Atty (06)**
- **Nelson Fam. – Redmond – SR 202 Taking/MPU (06)**
- **Renski, C. - Seattle ST Take/MPU - D. Dunphy, Atty (06)**
- **Saddle Mountain v. Joshi - Sand/Gravel Valuation-G. McElroy, Atty (06)**
- **U. S. Bank Turners Corner Snohomish Co. Hwy Take - J. Fitzgerald Atty(06)**
- **Richardson v. Federal Way (R. Pierson, Atty) (06)**
- **Pierce County v. Roller (R. Pierson, Atty) (06)**
- **Bever – WS DOT, Chehalis (06)**
- **WS DOT v. Holmes Electric – Renton (06)**
- **City of Blaine v. Klein (R. Pierson) (06)**
- **City of Federal Way v. Rhodes (06)**
- **City of Covington v. Shanlian Trust (06)**
- **City of Kenmore v. Schnitzbanc (K. Williams, Atty) (06)**
- **City of Kenmore v. Anderson (K. Williams, Atty) (06)**
- **City of SeaTac v. Dollar/Scandia (Pierson/Houlihan, Atys) (07)**
- **Sound Transit v. Allen, Guerzon, Farden) D. Dunphy, Atty (07)**
- **Kent School District v. Basra (J. Milne, Atty) (07)**
- **King County v. Stringfellow – North Bend**
- **Redmond v. Kindercare (R. Pierson, Atty) (07)**
- **WS DOT v. Riedel (R. Pierson, Atty) (07)**
- **WS DOT v. Merlino - Renton (J. Fitzgerald, Atty) (07)**
- **Snohomish Co. ROW Taking: Vanbuskirk (07)**
- **City of Kent v. Edris Capital (J. Dore, Atty) (08)**
- **Okanogan Co PUD v. Various Owners (R. Pierson, Atty) (08)**
- **Cities of Tumwater, Olympia, Lacey v. Bar-K**
(Olympia Brewery) (Scott Smith, Atty) (08)
- **Snohomish Co. ROW Takings: (08):**
 - Beverly Park
 - Pyper Property
 - Kohler Property
 - Lake Stevens Road Taking
- **WSDOT v. Lee – Pierce County (J. Hurley, Atty) (08)**

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Representative Expert Witness Experience

(Additional – see www.rwta.com)

Condemnation/Valuation/Feasibility – 1998 to present

- *City of Seattle v. **Heglund*** - Mercer Marine (09)
- *Sound Transit v. **Tseng*** - (R. Pierson, Atty) (09)
- *Haggart v. **US*** - (Thomas S. Stewart, Atty) (12)
- *Geneva Rock v. **US*** - (Steven M. Wald, Atty) (12)

COVAL
PROPERTY



PRESERVED AREAS/ROADS:
CRITICAL SLOPES ON WEST EDGE
(+/-17,080 SQ. FT.)
WATERCOURSE AND WATERCOURSE
BUFFER (+/-19,923 SQ. FT.)
POND (EXISTING) & RECREATION AREA
(+/-10,060 SQ. FT.)
EXISTING 30' EASEMENT ALONG SOUTH
EDGE (+/-19,350 SQ. FT.)
ALL ACCESS TO NEW LOTS TO BE FROM
NEW INTERIOR ROAD (NOT 84TH AVE)
(+/-21,545 SQ. FT.)

**R.W. Thorpe
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Planning & Landscape Architecture
Environmental & Economics
Project Management

2737 76th Avenue SE
Suite 100
Mercer Island, WA 98040

Telephone: 206.624.6299
E-Mail: nwis@nwta.com

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PARK

3474 N. 34th St.,
Olathe, MO 64646
Phone 314-761-1111

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COVAL PROPERTY	
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Address: 3051 84th Avenue SE
Mercer Island, Washington
(King County)
Parcel: 1224049010

**R.W. Thorpe
& Associates, Inc.**
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n. Description		Ass	Ass	Ass	Date
	Concept 1	LD		RT	09/10/13
	Concept 2	LD		RT	09/10/13

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SECRET PRICE

1

Dr. Richard Ferse

Introduction

The proposed Coval development is the largest single family development to be proposed on Mercer Island in nearly 30 years. The scale of the planned project is such that it rivals most of the commercial projects that have been undertaken in the downtown area during the last 3 decades. As currently submitted, the Coval proposal calls for the moving of 40,000 cubic yards of dirt (the equivalent of 4,000 large dump trucks) and the addition, from outside sources, of 2000 cu. yds. of rocks and gravel and the removal of a large quantity of topsoil and organic matter. Extensive grading is planned such that more than 10 vertical feet of soil and other materials will be bulldozed from the top of the existing ridge on the west side of the property, above King County Housing apartments below, into the ravines and lower areas of the property to the east.

The result of this activity is to change the current varied topography to the nearly level 5+ acres required to pack together 18 homes of 4500 to 5000+ square feet. Together with the placement of a complex drainage system with vaults, infiltration trenches, gutters, and soon-to-be-underground watercourse, etc., the planned construction of 18 homes, landscaping, utilities, roads, curbing and much more will take well over 2 years. Construction of roadbeds, paved roads, building pads, basements, and foundations for 18 homes will require earth movement with heavy equipment on a scale not experienced in a Mercer Island residential neighborhood in many decades.

All of this activity is planned to take place in what is currently one of the quietest neighborhoods on the entire island. Residents include several families with young children and retired couples. Almost all are long-time residents of the Island and many are working at home, part or full time. The scale of this proposed project is such that many of us will have to move our families, or alter our activities in a profound way just to deal with the stresses and dangers of this huge project just next door. Following this introduction will be a brief discussion of some of the environmental impacts that will be experienced by neighbors, as well as visitors to our neighborhood, children walking to nearby schools, and the many who use our small, busy street for walking, biking, and hiking the newly developed trails of the adjacent Upper Luther Burbank Park (or ULB Park), if this project is undertaken as proposed. We will then suggest a few modifications in the proposed plan that might make it possible for neighbors to tolerate, maybe even welcome this project as a positive addition to our neighborhood. Chapter 19.15 of the Mercer Island City Code provides what some have interpreted as a sort of mission statement for administrators of the Code and include this "Objective" under 19.15.010 B.: ".....process permits equitably and expediently; **balance the needs of permit applicants with neighbors**; **allow for an appropriate level of public notice and involvement...**" (emphasis added). We neighbors would ask that City Officials take this mission seriously, consider the extreme impact this proposed project would have on the

lives of many Mercer Island citizens, and imagine, along with us, how this balance could be achieved.

Safety

Currently there are approximately 20 children who daily catch a school bus along 84TH Avenue. This is the area where trucks and other working vehicles, flagmen, commuters, delivery vehicles, mail vans, pedestrians, bicyclists, hikers, and others will all converge at or near the entrance to a very busy construction site. This site will be accessed only from a street (84th) which is currently too narrow and without curbs, sidewalks, consistent gravel shoulders or places to pull out of traffic safely. This portion of 84th is also the only parking for access to the south part of the trail system of Upper Luther Burbank Park and is also used for overflow parking for the small clusters of homes adjacent to 84th.

What frequently happens now when there is a pedestrian or cyclist, or a large truck passing or working on the utilities or trees along the road edge, is that one car stops behind the pedestrian or bike to allow another to pass going the other way. We have all watched what happens when this sort of conventional neighborhood practice is not followed. It is scary and not safe. Add in the many school buses with no place to pull off the road and traffic is stopped on 84th at each side street intersection, adding another dangerous variable to the mix.

Construction or earth moving trucks entering or leaving the Coval site will require that a flagman halt traffic in both directions while the truck takes the entire width of 84th to make the turn. The proposed Plan requires the developer to add an 8.5 foot wide gravel shoulder to the width of 84th along the frontage of the Coval site. This shoulder is to be provided for the purpose of overflow parking for future residents of the proposed houses. It could not be used for a staging area for trucks to allow traffic to pass on 84th. This shoulder, aside from the fact that the compacted gravel could not be expected to stand up to loaded gravel trucks passing over it, is totally inadequate to mitigate the traffic congestion and safety issues involved with access to the Coval site. If it is used for parking, it also is not available as a school bus or mail delivery stop, which will be badly needed once the activity of the proposed 18 homes is present.

A better, definitely safer solution would involve requiring the developer to widen the paved portion of 84th, not just add a wider gravel shoulder in front of the property. Many jurisdictions, in a similar situation, would require the developer to widen the entire length of 84th for safety purposes alone. This neighborhood has a pressing need for parking for ULB Park trail access, sidewalks along the length of 84th for pedestrian safety, curbs for keeping traffic confined to pavement and out of the deep ditches, and school bus turnouts for childrens' safety and for the safety of those who walk to the bus stop with the students. Since much of the school traffic passes during dark or low light hours, some street lighting in this congested area would also make it a bit safer. Given the scale of this project, and the market he is catering to, the developer should be more

than willing to provide these safety features, at least for the benefit of future Coval residents.

The current Plan would require thousands of vehicle visits over the duration of construction. Adding this high-impact traffic to what is already a marginally adequate street is simply not safe. Let's balance the safety needs of neighbors with the needs of the potential developer to have efficient access to the property.

Noise

The very quiet neighborhood surrounding the Coval site will likely see, or rather hear, its greatest impact from the prolonged auditory assault only a huge construction site could bring on. Two to three years of 15 hour days of earth moving, backup beepers, loading and unloading trucks, nailguns, power saws, and worker's stereos blasting away over the din of a thousand different competing auditory stimuli has been shown to cause stress related health problems of many kinds, especially in the youngest and oldest neighbors. Many medical studies have demonstrated the effects on blood pressure, sleep patterns, learning and attention skills in children, and even relationship issues when people are exposed to excess noise near construction sites. One of the problems that comes with the noise has to do with enforcement of limits placed on contractors. For instance, construction hours are mandated, but then early "staging" takes place as trucks are moved, materials delivered, and music played sometimes as long as an hour before the start of actual construction is allowed. Mercer Island regulates noise as a nuisance (8.24.020) and specifies certain sources, including construction noise, but these have to be enforced by the City since there is little incentive for contractors to do so. Most common noise complaints near construction sites that are heard by cities have to do with activities that start too early, especially the backup beeper warning devices, or involve amplified music played by workers on the site. Both of these are regulated under MICC and these restrictions have to be frequently measured and enforced.

The scale of this proposed development will simulate that of a large commercial downtown project. The use of temporary acoustical barriers, usually in the form of specialized fencing is frequently required at large construction sites to mitigate the health hazard and "nuisance" of excess noise that accompanies such a project. The impact of such noise is studied by calculating the difference in ambient noise in the area of construction at down times and the noise at peak construction periods. This difference relates directly to the health effect of the noise and is greatest in quiet neighborhoods when compared with areas with relatively high ambient noise. Acoustical barriers are required by many cities when it can be shown that construction in a given area will result in prolonged exposure of neighbors to a large increase in noise pollution. We would request that the City of Mercer Island require this type of mitigation as part of any future approval of a project on the scale of the Coval plans.

Mitigation of noise exposure would involve reducing the density of development and the alteration of the natural features on the Coval site. As would be expected, the developer submitted plans for maximizing the number of lots that could be achieved in the subdivision by altering the contours and other physical features of the existing site in such a way as to draw lot lines on a mostly flat, featureless piece of ground. The developer asked for, and so far has been granted by the City, a plat of 18 lots. Reducing that number somewhat would allow some of the contours (especially the steep slopes), soil, and vegetation to remain. Besides mitigating the noise impact, this would allow for a much more attractive site in many other ways. If Mercer Island is serious about sustainability, retaining natural areas, and maintaining a healthy environment for its citizens, this would be an excellent place to start. Balancing the needs of applicant and neighbors, in this case, could very well benefit both.

Dr. Richard Ferse
3203 84th Avenue
Mercer Island, Washington 98040

January 15, 2014

Mercer Island Planning Commission
City of Mercer Island
9611 S.E. 36th Street
Mercer Island WA 98040

A neighbor's narrative: The case of being left out of the Coval Critical Areas Determination and its impact on neighbor's properties and their belief in the good faith of our City Government.

In the Spring of last year, neighbors of the Coval property became aware of the pending sale of that property to investors from Canada. After some hand-wringing, a small group of us met to discuss what this would mean. We all agreed that some form of development on this beautiful piece of property was inevitable and that our goal as neighbors should be to minimize the impact on our properties and lives. Two areas of concern dominated that early discussion: 1) assuring that no part of the development overlapped onto our properties and 2) that the water that had periodically backed up onto our property, from the watercourse in the ravine on the Coval Property, was allowed to flow freely so that there would be no more flood damage in our neighborhood on the South.

Some neighbors to the North of Coval relayed accounts of being told by the City that, because of the existence of a watercourse on their properties, they would not be permitted to build a deck or a fence. That is, the same seasonally flowing watercourse that runs through our neighborhood on the South, across the Coval property, and then through their properties to the North and on to Lake Washington- exactly as shown on the official Mercer Island watercourse map- would deny them a minor improvement on their land.

In the Summer of last year, upon the City's disclosure of public records, it was discovered by neighbors that Coval investors had applied for, and received, a letter from the City of Mercer Island that said that the watercourse, which the City and neighbors had treated as a reality for decades, **did not exist**. The City essentially determined that the mapped watercourse still existed to the South and North of Coval, just **not** for the 330' in between, where major alteration of the land was proposed. The effect of this change, of course, was to allow maximum grading and number of buildable lots on the Coval property without providing our neighborhoods with any assurance that our water problems would not continue. We neighbors could not quite understand how this happened. That is when we first learned about the details of what the City of Mercer Island calls a Critical Areas Determination.

A Critical Areas Determination (CAD) is a formal process described in the Mercer Island City Code (MICC) by which an applicant may formally apply to have a geographic feature, such as a steep slope or a watercourse, ruled to not meet the City's definition of a Critical Area. The applicant pays a fee, files an application, provides some detailed official documents, hires a consultant to assert that there is no watercourse, and prepares for an open public hearing to allow neighbors to challenge that assertion if they so choose. The applicant makes his case at that hearing that there are no Critical Areas that will conflict with their site plan, and awaits a Determination by the appropriate City official. This was the process that was unfolding with the Coval application **until** The City of Mercer Island decided to shortcut the process and omit the required open public hearing. The City went ahead and acted on the application, without public input, by issuing a letter to the developer on June 18th under the title of "Critical Areas Determination," that stated that the City had determined that there is no watercourse. No neighbors were notified that the CAD process was underway or, in June, that a determination had been made.

Upon learning of this decision, neighbors began to ask the City to reconsider its Determination and allow citizens to bring their own concerns and experiences with water problems, and our own hydrology expert, to explain why we felt that a wrong Determination had been made. The MICC, with affirmation from the court system, requires citizen involvement in this process. The City has so far refused to reconsider the watercourse determination with an open hearing, citing a variety of reasons why our input was not required.

A public notice and then an open hearing are required in conjunction with a CAD for the very purpose of allowing citizens to bring their concerns to the process **early** enough to allow the information they bring to contribute to the Determination. In this particular case, once a determination had been made that there is no watercourse, plans were drawn up and subsequently approved that did not include setbacks or other mitigations that a watercourse would have required. An open hearing may or may not have resulted in a different determination, but any attempt to suggest that our comments now, or at any time after June 18th, can be considered to have fulfilled the City's requirement to allow citizen input in the matter is absurd. We neighbors have lost our opportunity to inform the process and the City has acted in bad faith and in violation of its own Codes by this omission.

There may be an opportunity here for the City to restore its reputation and continue to take pride in allowing citizen input on the issues that most affect their lives. The Mercer Island City Code at 19.15.010 B. (Objectives) directs its officials to: "...process permits equitably and expediently, balance the needs of permit applicants with [those of] neighbors, and allow for an appropriate level of public notice and involvement....."

A good faith effort by the City to achieve this balance and involvement is all any reasonable citizen is seeking. As of now, many of us perceive that the developer has gotten all of the attention, all of the concessions, and all of the alterations of the local environment he has requested. We fear that City Hall exists only to facilitate the needs

of profitable enterprise on the Island, sometimes at the expense of the well-being of its citizens. An attempt to balance those needs could and should start now. Neighbors have some specific requests to help achieve this balance. Now is not too late to discuss our needs, alongside those of the applicant. It would seem to everyone's benefit to avoid future appeals or litigation that would result from continuing to leave citizens out of the process.





10.

DOWNSTREAM WATER QUALITY

By Mike Grady (resume attached)

Summary of Testimony:

1. Mercer Island Comprehensive Plan--focus on Sustainability.
2. Sustainability Efforts by City: Programs and staff support.
3. Stormwater: 2009 Report by City--baseline exceeds even state WQS, biological thresholds from NMFS, listed species in Lake WA, downstream impacts to neighbors and water quality in Lake WA--and impacts to listed species.
4. Need for additional analysis--stormwater impacts.

Attached: Portion of report, "Water Quality Monitoring of Five Mercer Island Drainage Basins from 2008-2010, Mercer Island Water Quality Monitoring Program" October 2011.

MICHAEL GRADY
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EXPERIENCE:

**NATIONAL MARINE FISHERIES SERVICE
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Branch Chief for Transportation. Manager for a staff of biologists who provide technical assistance to tribal, local, state, and federal transportation agencies on methods to avoid impacts to species listed under the Endangered Species Act (ESA). Created organization and processes for producing on-time and on-budget project delivery. In close cooperation with the Montlake Science Center, and with grant and other outside funding, developed guidance for stormwater analysis and treatments, pile driving noise attenuation, and in-stream flow parameters. Developed grant proposals for all staff funding. Recruited, hired and trained a diverse mix of staff. Tracked all deliverables with NOAA and other action agencies to ensure all target dates are achieved. Managed all the mega-project for the Region-Alaska Way Viaduct, I-5 and 405, and the SR 520 Bridge Replacement Project. Negotiated changes in project for the SR 520 Bridge Project to save the buildings at the Montlake Science Center and to develop a stormwater experiment for the scientists at the Montlake Lab. Also provides technical and policy assistance to federal, state, local, and tribal governments during the development of salmon conservation plans and strategies, especially as they relate to water, transportation, and land use management. Presents technical and policy information to elected officials and community leaders throughout the state and region. . Lead for the Northwest Region's Green Team. Responsible for developing and implementing programs to save energy, water, and other resources to meet Executive Order 13423 goals for reducing greenhouse gas emissions at federal facilities. Received NOAA Administrator's Award for 2009 and awarded "Most Outstanding Service for 2008" by the Washington State Habitat Office. Awarded the 2013 FHWA Environmental Excellence Award for developing a paperless consultation process for highway and culvert replacement projects in Washington State. Also detailed to the Chief Administrator for NOAA to manage a portfolio of projects at the Sand Point campus to save energy and water a reduce our carbon footprint, per Presidential Executive Orders. (1997-present).

**PUGET SOUND NEW ENERGY SOLUTIONS
SEATTLE, WASHINGTON**

Chair for the Puget Sound New Energy Solutions (PSNES) consortium, which focuses on clean mobility, smart grid, and community-wide energy efficiency and renewable projects in King, Pierce, Kitsap and Snohomish counties. Develop and implement regional workshops to foster the deployment of emerging technologies that transform the transportation sector to electric vehicles and moves conserved and renewable generation across a smart grid. PSNES members include local elected officials; local, tribal and federal governments; and representatives from energy utilities, transit and housing agencies, and businesses. Continue to fund the project with member donations and foundation or agency grants. (2008 – present)

**MERCER ISLAND CITY COUNCIL
MERCER ISLAND, WASHINGTON**

Councilmember (non-partisan). Lead the Council's efforts on sustainability issues, specifically to convert city and school district fleets to alternative fuels and create a carbon bank for open space preservation. Served as the Council liaison with private utilities, other cities, Washington State, and Congress for funding environmental and climate change initiatives. Acquired significant state and federal grants to implement sustainability practices for the city and local schools. Lead on the updates to the shoreline Master Plan and Growth Management Plans. Developed and approved annual operating budget (\$30 million) and capital budgets (\$100 million). (2005-2014)

**WASHINGTON STATE DEPARTMENT OF COMMUNITY DEVELOPMENT
OLYMPIA, WASHINGTON**

Water Resource Policy Analyst and Chief Growth Management Planner. Assisted local governments and utilities in developing comprehensive plan elements for the Growth Management Act. Created training programs for tribes and local communities in areas of growth management, energy and water resource planning, financial planning, and project implementation. Coordinated with research universities and the implementation of best available science for sustainable land use practices. (1990 - 1997)

**WASHINGTON STATE ENERGY OFFICE
OLYMPIA, WASHINGTON**

Community Energy Policy Manager. In cooperation with federal and state research institutions, developed creative programs and technologies to reduce energy and water uses at a community scale. Created an economic input-output model to track energy and water conservation investments at an industry and community-wide level. Assisted with the design of energy/economic development programs in the states of Washington, North Carolina, Pennsylvania, Nebraska, Iowa, Ohio, and Idaho. Received national award for the most creative community energy program. (1988 - 1990)

UNIVERSITY OF IDAHO

Director of the Cooperative Education Program. Developed, obtained funding, and implemented a university-wide program to place students and faculty members in relevant work assignments. (1987-1988)

Geology Instructor. Created course plans and taught undergraduate geology classes.
(1987 - 1988)

MOSCOW, IDAHO PARKS AND PLANNING

Board Member. Updated ten-year Parks and Recreation Comprehensive Plan. Developed regional plan to acquire abandoned railway areas for Idaho-Washington trail system. (1987-1988)

WASHINGTON STATE UNIVERSITY

Physical Science Instructor and Academic Adviser. Provided instruction for all geology courses, introductory physics and chemistry courses, and most biology courses. (1987-1988)

MOBIL OIL CORPORATION

Petroleum Research Geologist. Researched, formulated, planned, and developed oil and gas projects in the Gulf of Mexico and Africa. (1985-1987)

UNITED STATES AIR FORCE

Executive adviser and human relations counselor for a 1,200 person organization. Managed the administration of a flight-line maintenance command and also provided counseling in the areas of substance abuse, finance, education, and personal conflict. Completed tour as Captain with over 100 hours in jet aircraft as pilot. (1977 - 1981)

KANKAKEE, ILLINOIS HIGHWAY DEPARTMENT

Began as construction laborer. Promoted to assistant surveyor and County Inspector of Highways. Performed surveys, inspections, and material testing. Drafted plans and assisted in highway design. (1971 - 1977)

EDUCATION:

UNIVERSITY OF IDAHO

Master of Science degree in Geology with an emphasis in petroleum exploration, May 1985. Earned all of college expenses while supporting family of four.

UNIVERSITY OF NORTHERN COLORADO

Master of Arts degree in Psychology, June 1982, while working full-time in the United States Air Force (USAF).

UNIVERSITY OF NOTRE DAME

Bachelor of Science degree in Biology, May 1977. Four-year USAF scholarship. Member of varsity track.

VOLUNTEER:

Coach for Boys and Girls Club and local schools (25 years)

Church- Family Kitchen (3 years)

PTA President (3 years)

Alumni Club community service activities (20 years)

PERSONAL:

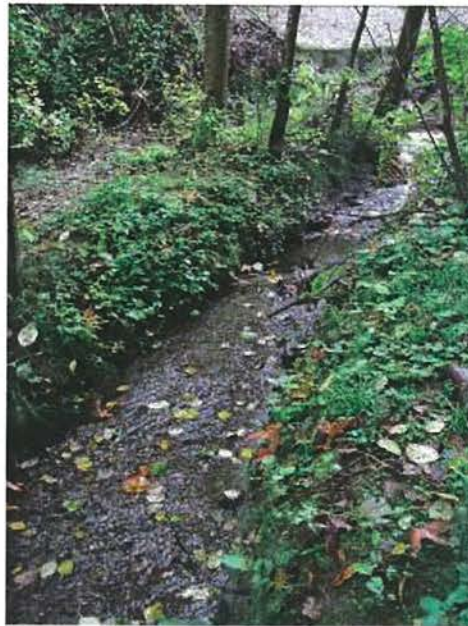
Proud father of five children.

Active in professional, community, and academic organizations.

Hobbies include luging, triathlons, track and field, mountain climbing, team sports, kayaking and cultural events.

Water Quality Monitoring of Five Mercer Island Drainage Basins from 2008–2010

Mercer Island Water Quality Monitoring Program



October 2011

http://your.kingcounty.gov/dnrp/library/2011/kcr1208_2008.pdf



King County

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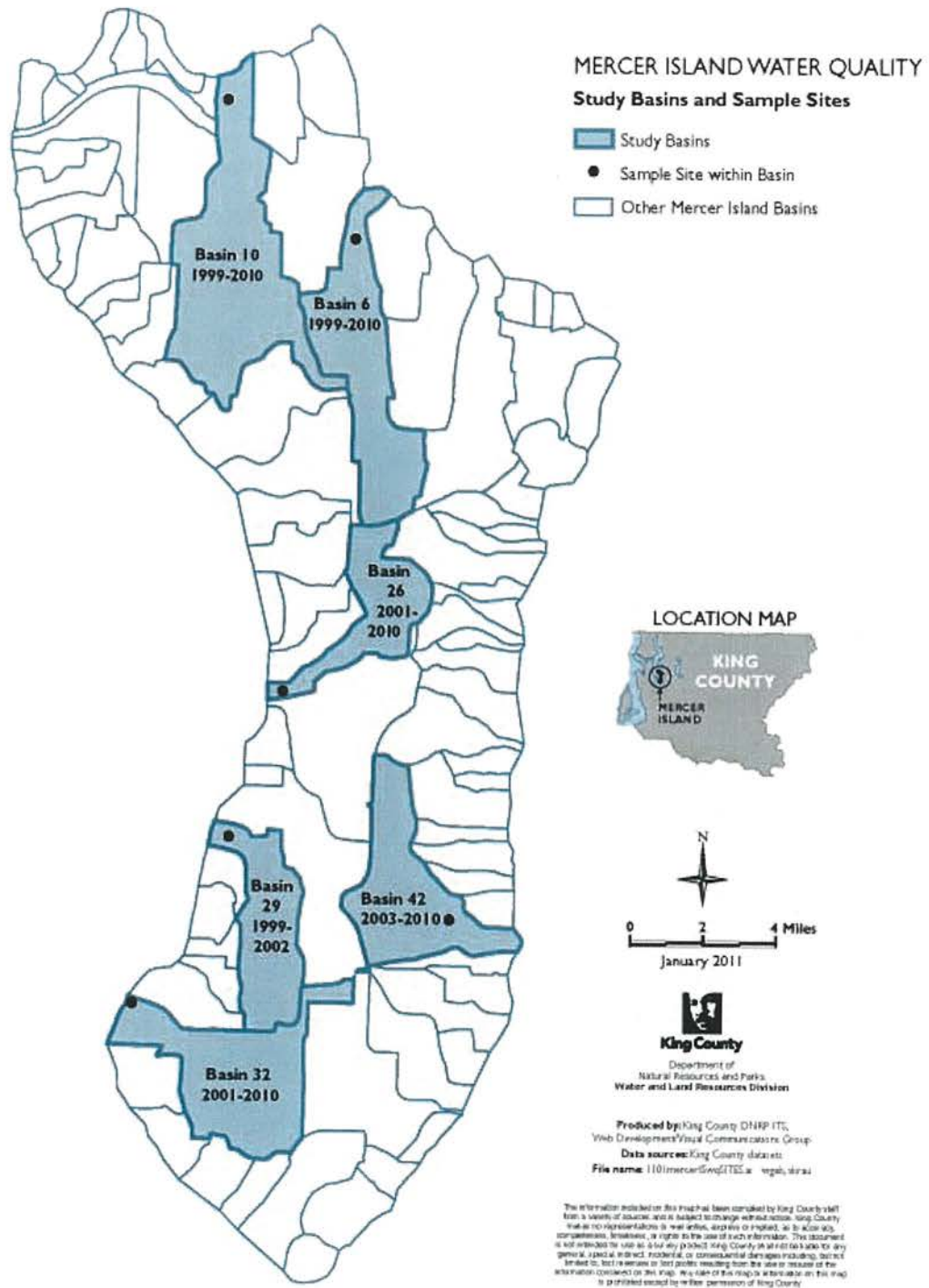


Figure 1. Study basins and sample sites.

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Appendix A. Water quality data lab reports

Appendix B. Sediment quality data lab reports

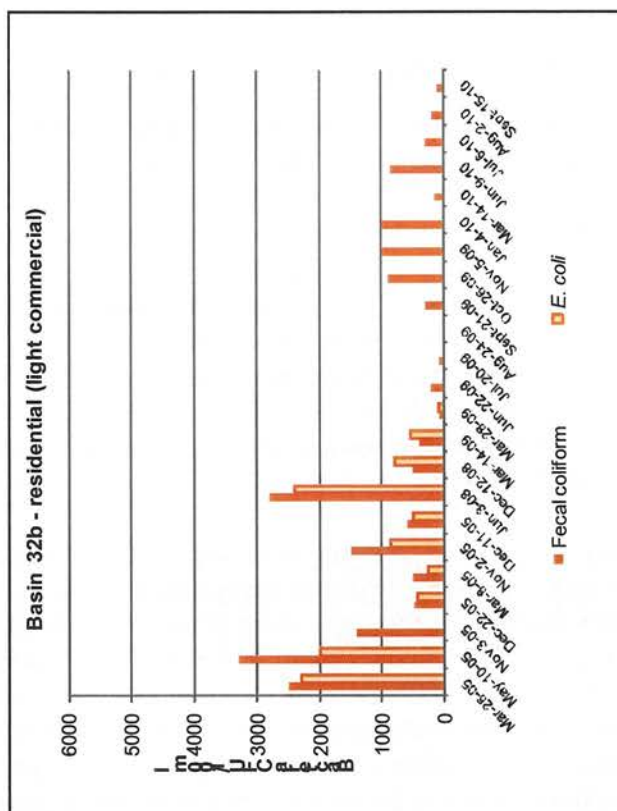
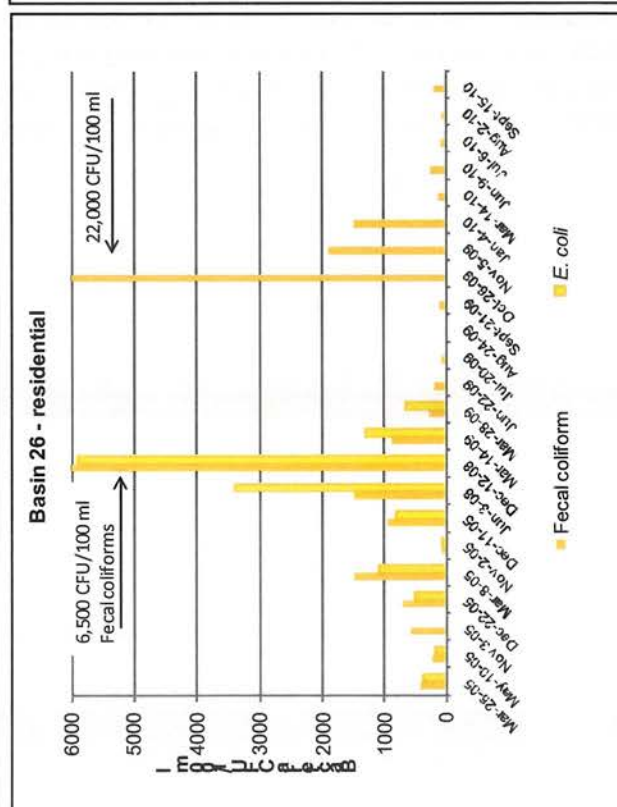
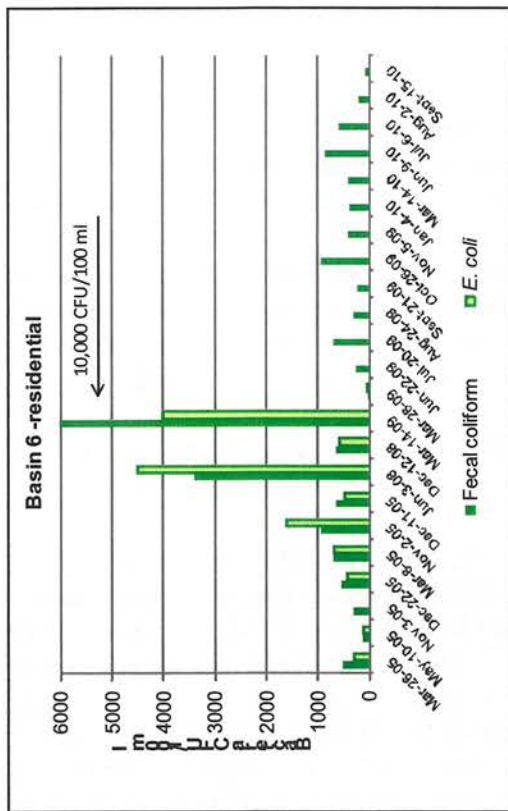
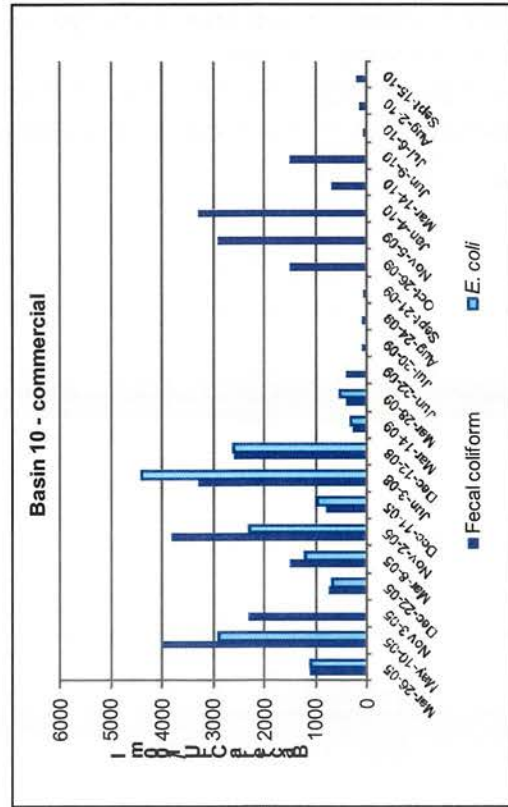
Appendix C. Mercer Island Dissolved Zinc and Copper Water Quality Summary
1999–2009

Appendix D. 2011-12 and Sampling Locations in Basins 10 and 32

4.1.3 Biological Parameters

The state Extraordinary Primary Contact Recreation criteria for fecal coliform bacteria reads as follows: “Fecal coliform organism levels must not exceed a geometric mean value of 50 colonies/100 mL, with not more than 10 percent of all samples (or any single sample when less than ten sample points exist) obtained for calculating the geometric mean value exceeding 100 colonies/100 mL” (Ecology 2006). It is not recommended to calculate the geomean when data is collected over thirty days apart. Therefore, the second part of the criteria (<100 colonies/mL) is used here for determining exceedances. As an additional point of reference, King County uses the Ten State Standard for fecal coliform bacteria when determining beach closures as part of their Swimming Beach Monitoring Program. The Ten State Standard is: a geometric mean of 200 CFU/100ml (colony forming units per 100 milliliter) fecal coliform with no single sample exceeding 1000 CFU/100ml. Again, the same restrictions on calculating the geomean apply.

In general, fecal coliform levels were much lower during baseflow sampling than during storm events (Figure 5). With the exception of samples collected on March 28, 2009, all samples collected during the eight storm events in 2008–10 had fecal coliform levels that exceeded the WQS (<100 colonies/100 mL). The March 28 sampling event had relatively low discharges and antecedent rainfall relative to the other storm events (Figure 3). High fecal coliform bacteria levels in stormwater are typical for urban streams, though the 22,000 CFU/100 ml measured in Basin 6 on October 26, 2009 is exceptionally high for our area. Storm samples collected in Basin 10 have consistently had fecal coliform levels greater than 1000 CFU (Figure 5), as has Basin 26. More recent storm samples collected in Basin 6 and 32b have been below 1000 CFU. Elevated bacteria levels can indicate the presence of human or animal waste (see also <http://dnr.metrokc.gov/wlr/waterres/swimbeach/aboutswimbch.htm>). However, the specific bacteria sources in the study basins cannot be determined without additional specialized testing.



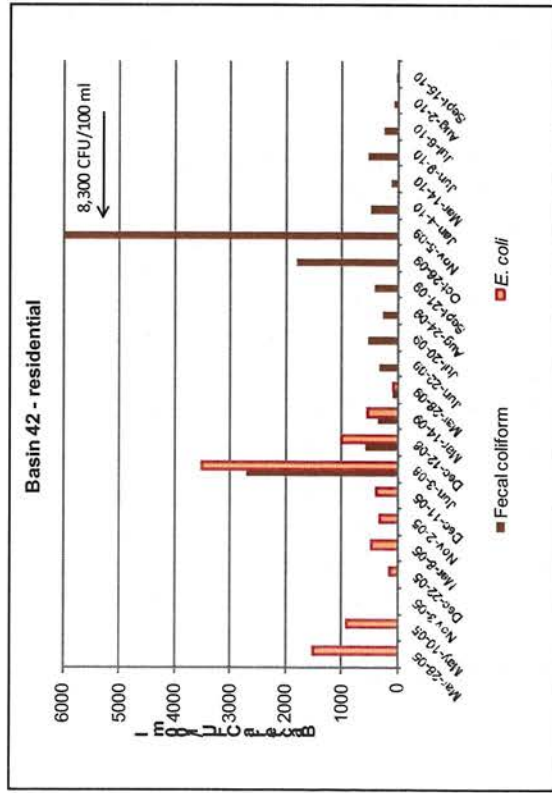


Figure 5. Fecal coliform and *E. coli* in five Mercer Island streams in 2005 through 2010. Sampling for *E. coli* was discontinued in 2009.

Macroinvertebrate samples were collected from: Basins 6, 10, and 42 in 2008 (Figure 6). B-IBI values for these streams in 2008 were 14, 12, and 20, respectively; categorizing Basins 6 and 10 as “very poor” and Basin 42 as “poor” (Table 6). For purposes of comparison, B-IBI scores from all years of this study have been presented in Figure 6.

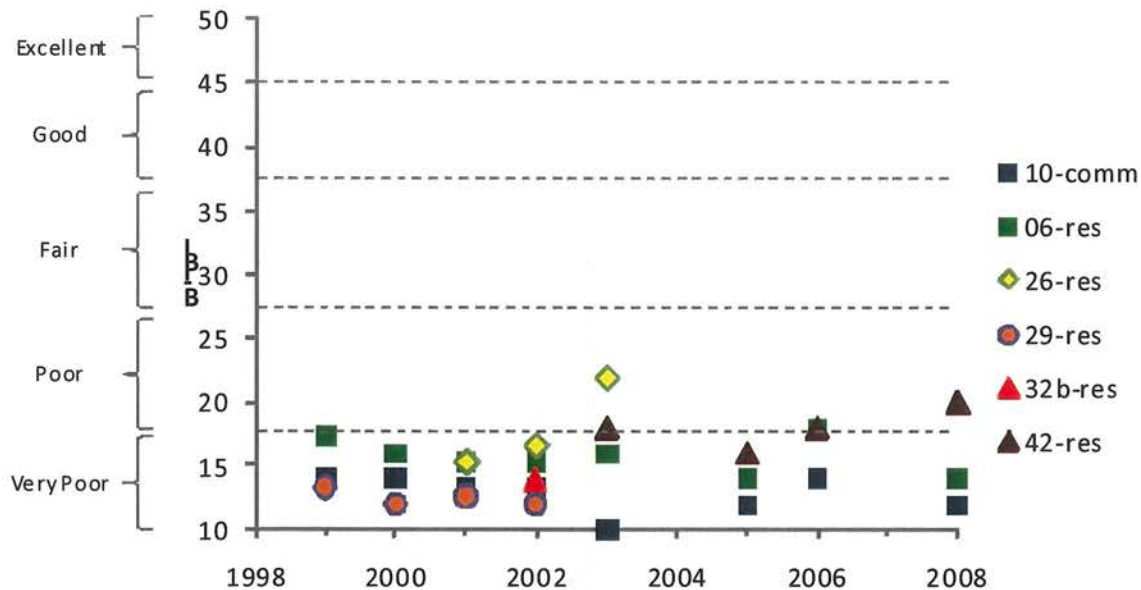


Figure 6. Benthic Index of Biotic Integrity (B-IBI) (1999-2010; samples not collected in 2004, 2007, or after 2008). Basins are designated as commercial (comm) or residential (res). Missing data points represent low flow conditions where samples could not be collected.

The above results indicate that Mercer Island drainage basins had low B-IBI scores compared to other regional streams (EVS Golder 2005). Very low B-IBI scores of 10 to 22 (1999-2006) demonstrate potential cumulative biological implications of poor water quality, high velocity/erosive stormwater flows, habitat degradation, and urbanization. For example, Woodcock and Huryn (2007) found that streams with the highest concentrations of metals had the most extreme decreases in macroinvertebrate production. Other research has documented strong negative correlation between extent of urbanization and health of stream macroinvertebrate communities (Sponseller et al. 2001, Urban et al. 2006, Walsh et al. 2007).

However, while the B-IBI is a useful measure of water quality and overall biological function within a stream system, it may not be the most appropriate method to evaluate Mercer Island streams. The B-IBI was developed primarily for evaluation of 2nd and 3rd order streams. The drainage basins evaluated here are generally very small with flashy hydrologic regimes and are not considered 2nd or 3rd order streams. Localized basin improvements and source control measures may help raise the B-IBI scores slightly; however, due to the natural physical limitations of these water bodies, the benthic macroinvertebrate communities in these streams are not likely to reach the abundance and diversity of other larger systems in the region. Because of these reasons, benthic macroinvertebrate sampling was discontinued in 2009.

4.1.4 Dissolved Metals

In 2009 and 2010, copper and zinc concentrations were above WQS four times and two times, respectively (Table 9), with all exceedances in basins 10 and 32b. Lead and chromium values were below WQS during all sampling events at all sites.

Table 9. Hardness (mg/L CaCO₃), dissolved metal (µg/L) concentrations and hardness corrected acute WQS. Highlighted bold values indicate concentrations greater than acute WQS. Values in italics indicate < RDL.

Site	Category	Date	Hardness	Cr	Cr Acute WQS ¹	Cu	Cu Acute WQS ¹	Pb	Pb Acute WQS ¹	Zn	Zn Acute WQS ¹
10	commercial	12/12/2008	NA	0.76	no data	4.77	no data	0.24	no data	40.10	no data
		3/14/2009	42.7	0.82	279.1	6.36	7.6	0.19	25.25	26.60	55.60
		3/28/2009	64.2	0.62	381.7	5.06	11.2	0.13	39.74	20.70	78.62
		10/26/2009	48.6	0.77	303.9	6.38	8.6	0.24	29.20	28.80	62.10
		11/5/2009	20.2	0.52	148.1	4.68	3.8	0.30	10.91	35.40	29.51
		1/4/2010	32.8	0.72	220.2	77.90	6.0	0.30	18.83	24.60	44.50
		3/11/2010	39.0	0.56	253.8	4.76	7.0	0.16	22.86	32.10	51.54
6	residential	12/12/2008	no data	0.67	no data	1.90	no data	0.15	no data	3.00	no data
		3/14/2009	45.0	0.59	285.3	2.41	8.0	0.11	26.81	5.33	58.17
		3/28/2009	58.3	0.66	352.7	2.09	10.2	<MDL	35.72	24.60	72.45
26		12/12/2008	NA	1.76	no data	2.41	no data	0.14	no data	2.00	no data
		3/14/2009	64.1	2.51	381.2	2.20	11.9	<MDL	39.67	3.97	78.52
		3/28/2009	78.4	2.18	449.6	2.36	13.5	<MDL	49.50	2.72	93.12
32b	residential	12/12/2008	no data	3.90	no data	5.81	no data	0.11	no data	10.90	no data
		3/14/2009	30.8	3.00	209.2	5.06	5.6	<MDL	17.55	59.80	42.19
		3/28/2009	47.5	2.82	298.3	5.44	8.4	<MDL	28.47	12.10	60.91
		10/26/2009	29.3	3.85	200.8	6.32	5.4	<MDL	16.59	18.10	40.45
		11/5/2009	26.0	5.89	182.1	10.80	4.8	0.12	14.51	15.80	36.55
		1/4/2010	27.2	3.97	188.9	4.78	5.0	<MDL	15.26	12.90	37.98
		3/11/2010	34.7	3.20	230.6	4.88	6.3	<MDL	20.06	14.00	46.68
42	residential	12/12/2008	no data	0.97	no data	2.44	no data	0.18	no data	2.00	no data
		3/14/2009	60.8	1.05	365.1	5.36	10.6	0.14	37.42	1.70	75.08
		3/28/2009	63.3	1.20	377.3	3.10	11.1	<MDL	39.12	1.50	77.68

¹criteria corrected based on site-specific hardness concentration

As in previous years sampled, 2008–2010 dissolved metal concentrations were most frequently above WQS in the two commercial basins (copper and zinc in Basins 10 and Basin 32); concentrations did not exceed WQS in the residential basins (Table 10). A few common sources of dissolved metals include automobiles, pressure-treated wood, galvanized metals such as rain gutters and roofs, and construction/demolition activities (Hall and Anderson 1985, Pitt et al. 1995, King County 2009).

Table 10. Summary statistics for dissolved metal (µg/L) concentrations, including the number of samples exceeding WQS in all samples collected from 1999 through 2010.

Site	Category	Parameter	Number of Samples ¹	Number below detection	Min	Max	Mean	Number Exceeding State Acute Criteria
10	commercial	Hardness, Calc	37		16.8	179	53.43	
		Chromium, Dissolved, ICP-MS	24		0.52	7.23	1.07	
		Copper, Dissolved, ICP-MS	38		1.3	77.9	6.52	5
		Lead, Dissolved, ICP-MS	38	17	0.13	0.89	0.26	
		Zinc, Dissolved, ICP-MS	38		3.15	43.1	22.12	4
6	residential	Hardness, Calc	30		35.5	156	66.26	
		Chromium, Dissolved, ICP-MS	18	2	0.39	1.1	0.66	
		Copper, Dissolved, ICP-MS	32		0.62	4.15	2.62	
		Lead, Dissolved, ICP-MS	32	22	0.11	0.47	0.21	
		Zinc, Dissolved, ICP-MS	32		0.7	24.6	5.88	
26	residential	Hardness, Calc	26		45.9	280	96.98	
		Chromium, Dissolved, ICP-MS	19		0.79	2.51	1.42	
		Copper, Dissolved, ICP-MS	27		0.72	12	2.86	
		Lead, Dissolved, ICP-MS	27	23	0.139	1.03	0.22	
		Zinc, Dissolved, ICP-MS	27		0.54	5.64	2.05	
29	residential	Hardness, Calc	15		36.3	129	73.04	
		Chromium, Dissolved, ICP-MS	1		0.74	0.74	0.74	
		Copper, Dissolved, ICP-MS	15		0.64	6.53	3.74	
		Lead, Dissolved, ICP-MS	15	13	0.19	0.42	0.21	
		Zinc, Dissolved, ICP-MS	15		0.88	6.15	3.89	
32	residential	Hardness, Calc	29		18.4	119	44.13	
		Chromium, Dissolved, ICP-MS	22		1.1	12.1	3.85	
		Copper, Dissolved, ICP-MS	30		1.9	13.1	5.97	8
		Lead, Dissolved, ICP-MS	30	19	0.107	0.27	0.19	
		Zinc, Dissolved, ICP-MS	30		1.6	59.8	13.76	1
42	residential	Hardness, Calc	16		47	121	67.51	
		Chromium, Dissolved, ICP-MS	17		0.89	2.56	1.41	
		Copper, Dissolved, ICP-MS	17		2.33	7.66	3.34	
		Lead, Dissolved, ICP-MS	17	11	0.14	0.35	0.21	
		Zinc, Dissolved, ICP-MS	17		1.5	6.38	3.17	

1. Chromium not analyzed before 2002

Elevated water column metal concentrations can reduce primary production in streams (McKnight 1981, Kettle and DeNoyelles 1986,), as well as have both lethal and sub-lethal impacts on invertebrates and fishes (e.g., Santore et al. 2001, Hansen et al. 2002, Baldwin et al. 2003, Kiffney and Clements 2003, McPherson et al. 2003, Niyogi and Wood 2004, Linbo et al. 2006). In particular, dissolved copper (dCu) has been shown to impact the senses of juvenile salmonids (Hecht et al. 2007). As summarized in a recent report to Mercer Island (Appendix C), dCu and dissolved Zinc (dZn) have the potential to limit the productivity and growth potential of wild salmon populations at concentrations below state WQS. Benchmark dCu concentrations ranged from 0.18 – 2.1 µg/L for predator avoidance behavior and 0.59 – 2.1 µg/L for olfactory responses. The National Marine Fisheries Service (NMFS) is utilizing effect thresholds lower than state WQS in their ESA Section 7 consultations with federal, state, and local governments (Landino 2008). While the 6 basin study streams do not support spawning adult salmon

populations, and likely have limited geographic distribution of rearing juvenile salmonid populations, fish frequenting the areas in Lake Washington near the mouths of these drainages may be exposed to dCu and dZn levels that potentially cause adverse sensory effects.

4.1.5 Herbicides and Pesticides

Chlorinated herbicides were detected in four samples collected during the 2008 June storm event, and one sample collected during a baseflow event on June 6, 2010 (Table 11). Over the course of this project, only one herbicide or pesticide has been detected at concentrations above available guidelines (Table 11). Diazinon was detected in Basin 32 on November 8, 2001 at a concentration of 1.69 µg/L, which is higher than USEPA's aquatic life ambient water quality criteria of 0.3397 µg/L (USEPA 2005).

Historically, the highest concentrations of herbicides and pesticides in storm samples are usually detected in late spring, early summer, and late fall when product use is at its highest (Figure 7). In the limited number of samples collected to date, there have been no herbicides or pesticides detected in the months of July, August, and September.

Table 11. Chlorinated herbicide and organophosphate pesticide detections by basin, frequency of detection (FOD), concentration range, and appropriate criteria/guidelines (1999-2010).

Parameter	Site	1999	2000	2001	2002	2003	2004	2005	2006	2008	2009	2010	MDL year/Site Range (ug/L)	Criteria/Guideline ¹ (ug/L)
2,4,5-T	06			1									0.22 - 0.53	---
	32								1					
2,4-D	06	1		1	1		1		1	1			0.21 - 4.97	30
	10	1	2	1	1		1	3						
	26			1			1	1						
	29	1	2	1	1									
	32			1	1		2	3		1		1		
	42							1		1				
2,4-DB	32								1				<MDL - 0.34	---
Dicamba	29	1	1										0.10 - 0.23	14,000
MCPP	06	1							1				0.11 - 1.50	2573.5
	10	1	2	2	1			1						
	26			1				1						
	29	1	2	2	1									
	32			1	1		1	1						
MCPA	06			1									0.14 - 0.63	380
	10		1	1										
	29		1											
	32			1						1				
Chlorpyrifos	10		1										0.05 - 0.06	0.083
	29	1	1											
Diazinon ²	06	1	1			1							0.04 - 1.69	0.3397
	10	1	2	2										
	29	1	1	2	1									
	32			2										
Malathion	10			1									<MDL - 0.05	2
Total number of samples analyzed each year:														
Storm (n=)		8	16	24	24	18	24	24	18	11	12			
Baseflow (n=)											19	20		

1. see Table 5 for water quality criteria/guideline references

2. discontinued in 2009 and 2010

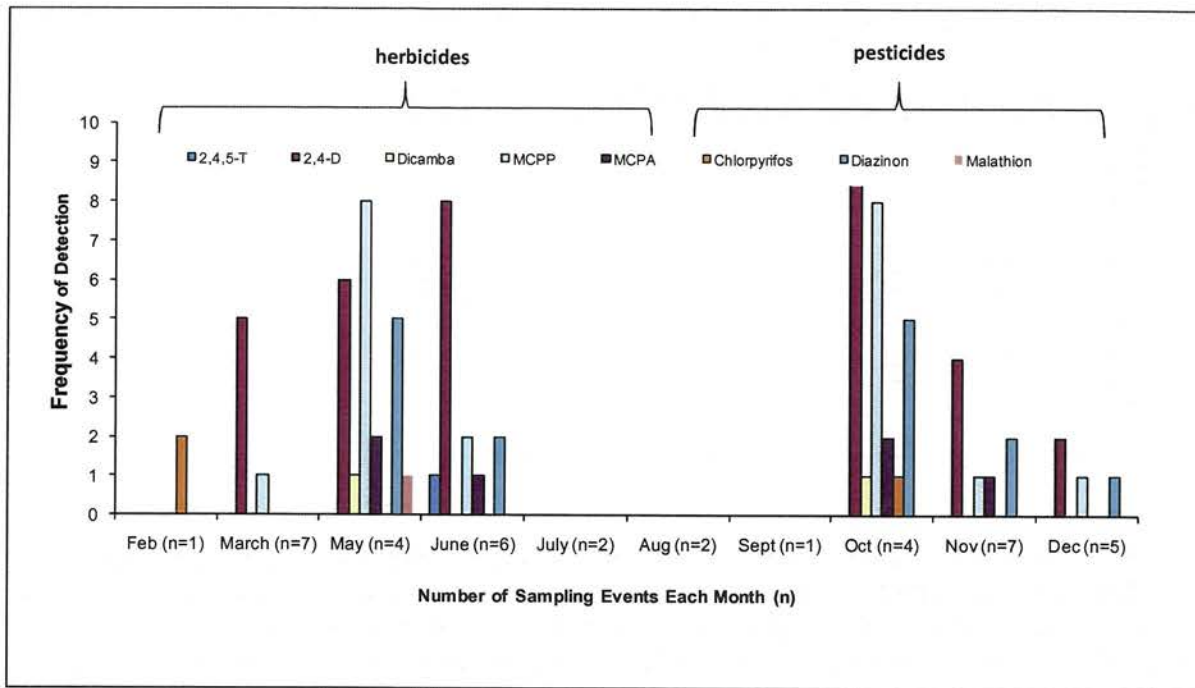


Figure 7. Frequency of herbicide and pesticide detection by month in samples collected from Mercer Island streams between 1999 and 2010.

Organophosphate pesticide analysis was discontinued in 2009 due to the declining use of these products (Diazinon was banned December 2004, chlorpyrifos was banned in December 2001), and low frequency of detection. Malathion, the most commonly used organophosphate insecticide in the United States has only been detected once in Mercer Island streams (Basin 10 in 2001). There were no organophosphate pesticides detected in 2008 or March 2009 (Table 10).

4.1.6 Sediments

Figure 8 provides a summary of the sediment chemistry data and a comparison to the sediment guidelines previously described above in Section 3.3.3. In 2008 sediment samples were collected in Basins 10, 26, 29, and 32. In 2009 and 2010, sediment samples were only collected in Basins 10 and 32 as these were the two basins where sediment guidelines had previously been exceeded. Sediment metals were below guidelines for copper, chromium, and lead in 2008, 2009, and 2010 in all basins sampled. In 2008-2010, zinc concentrations were above two to three of the guidelines in Basin 10, and above the TEL guideline in Basin 32 in 2008. The sediment data parallels the dissolved metal water quality data, with higher copper and zinc values in Basins 10 and 32.

Table 12 summarizes the number of NPO detections in the Mercer Island sediment samples throughout the course of this project. In the last three years of sampling, the high value of 1420 mg/Kg measured at Basin 32 in September 2009 is particularly noteworthy.

Table 12. NPO (mg/Kg dry weight) detected in sediment samples collected in Mercer Island sediment from 1999-2010.

year	6	10	26	29	32	42
1999						
2000						
2001						
2002						
2003	210	190			240	260
2004	310	230	270		120	280
2005	430	936	448		579	401
2006	344	899	371		592	746
2008		233				
2009					1420	
2010		360				

Sediment chemistry can provide insight into water quality issues that periodic stormwater sampling may miss, simply because sediment tends to move more slowly through a system than water. The field notes for this project documented that the sediment samples consisted mainly of sand. This was confirmed in a recent particle size distribution analysis for sediments in both Basin 10 and 32 (Appendix B). Sand is an indication of an erosional environment as opposed to areas where a lot of fines have built up, and it is difficult to track long-term trends for sediment metal contamination in erosional environments (Dean Wilson, King County WLRD, personal communication). Further, contaminants are generally associated with fines, so these results may underestimate the concentrations of sedimentary metals moving through the Mercer Island streams into Lake Washington.

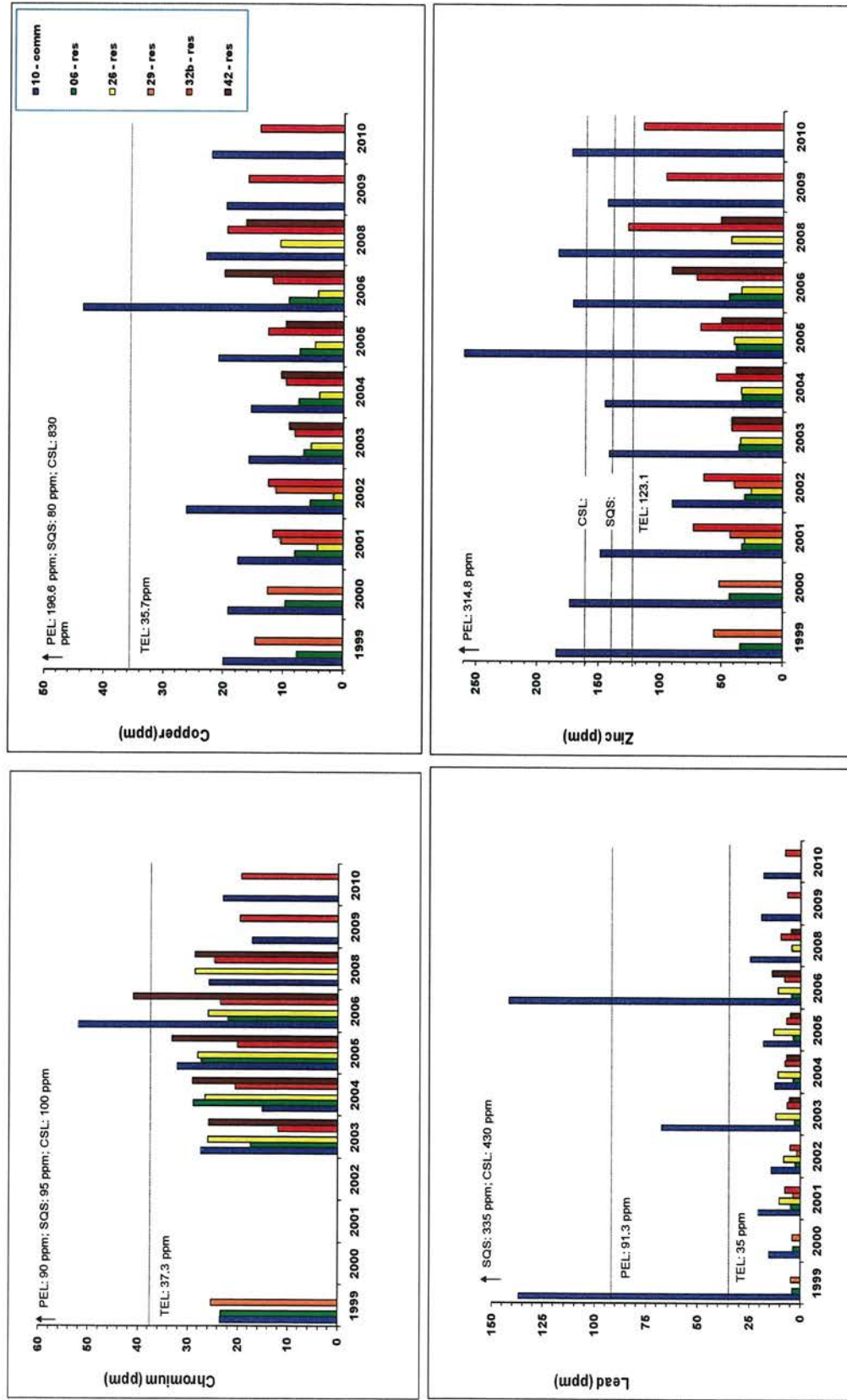


Figure 8. Sediment metal concentrations (chromium, copper, lead, and zinc) in ppm (dry weight) and Freshwater Sediment Quality Guidelines. Basins are designated as commercial (comm) or residential. Washington Floating Percentiles: SCS = Sediment Quality Standard, CSL = Cleanup Screening Value. Canadian Sediment Quality Standards: PEL = probable Effect Level. TEL = Threshold Effect Level..

Appendix C

Mercer Island Dissolved Zinc and Copper Water Quality Summary 1999-2009

Provided by:

**King County Water and Land Resources
Division Environmental Laboratory**

DISSOLVED ZINC AND COPPER WATER QUALITY

Summary for the City of Mercer Island 1999-2009

October 2009

Prepared by Jo Wilhelm¹, King County Water and Land Resources Division for Patrick Yamashita, City of Mercer Island.

¹ With consultation and/or review from Deb Lester, Dean Wilson, Deb Bouchard, David Batts, and Kate O'Laughlin from the King County Water and Land Resources Division.

Executive Summary

A growing body of scientific literature suggests that dissolved copper (dCu) and dissolved zinc (dZn) have the potential to cause adverse effects to wild salmon populations at concentrations below state water quality standards (WQS).

Stormwater sampling has been conducted annually from 1999 through 2009 (except in 2007) at six Mercer Island streams. Basins 10 and 32 consistently experience the highest levels of both dCu and dZn. Copper and zinc concentrations in basin 10 exceeded acute WQS three times during the study period. Copper concentrations in basin 32 have exceeded acute WQS seven times. Zinc concentrations in basin 32 exceeded acute WQS once in 2009. Landuse in basin 32 is primarily residential, but it drains the few commercial businesses located on the south end of Mercer Island. Basin 10 drains the majority of the City of Mercer Island's business district, in addition to residential neighborhoods. Acute WQS for dCu and dZn have not been exceeded in basins 06, 26, 29, and 42, which all have residential landuse. Eighty-eight percent of all dCu concentrations and forty-six percent of all dZn concentrations across all basins were above literature-based threshold concentrations found to cause adverse impacts to salmonid olfaction or behavior (Sandahl et al. 2007 and Sprague 1968).

Suggestions and recommendations to address elevated metal concentrations observed in six Mercer Island streams include:

- 1) Identify potential sources of dCu and dZn through field inventories or additional water quality sampling. Copper sources include vehicle brake pads, treated wood, pesticides, algicides, and fungicides, architectural copper, and bronze or brass. Zinc sources include vehicle and tire wear and tear, galvanized metals, moss inhibiting chemicals, bronze or brass, and some paints.
- 2) Implement outreach and educational efforts to encourage more responsible or reduced use of materials and products that are sources of copper and zinc. City policies could be amended to limit use of copper and zinc building materials or other source products.
- 3) Implement source control best management practices (BMPs) and low impact development (LID) methods for new development and redevelopment projects. Some applicable BMPs include efficient street sweeping, roadside ditch maintenance, or changes in roofing materials. Redevelopment might include use of permeable pavements, vegetated filter strips, or biofiltration swales. A significant source of these metals is likely related to transportation. Diverting runoff from directly discharging to these streams may result in a decrease in metal concentrations.
- 4) Add sampling, which might yield data that could better inform source control efforts, especially in basins 10 and 32. This additional sampling and analysis effort could include adding the additional water quality parameters required to estimate copper toxicity using the biotic ligand model. It also could include fish sampling to determine the extent of fish use and distribution in Mercer Island streams.

Introduction

The National Oceanic and Atmospheric Administration (NOAA) published a technical memorandum in October 2007 summarizing the sensory effects of dissolved copper (dCu) exposure on juvenile salmonids (Hecht et al. 2007). This report, in addition to other recent studies (e.g., Baldwin et al. 2003, Sandahl et al. 2007, Sprague 1968), contribute to a growing body of literature that suggests dCu and dissolved zinc (dZn) have the potential to limit the productivity and growth potential of wild salmon populations at concentrations below state water quality standards (WQS) outlined in Washington Administrative Code (WAC) 173-201A. In light of this information, the City of Mercer Island requested a summary of their water quality monitoring data for dCu and dZn at six Mercer Island streams collected between 1999 and 2009. This document, presents available data and compares it to WQS or additional literature-based effect thresholds documenting copper and zinc effects on salmonids. Recommendations for addressing elevated levels of dissolved metals in stormwater are provided.

Mercer Island Data Summary

The City of Mercer Island has contracted with the King County Water and Land Resources Division (WLRD) since 1999 to evaluate water quality in six representative basins (basins 06, 10, 26, 29, 32b, and 42) draining to Lake Washington. Grab samples for analysis of dissolved metals, including zinc and copper, were collected during 1-4 storms² per year since 1999, with the exception of 2007 when no sampling was conducted. Samples are collected and analyzed following Standard Operating Procedures (King County 2005a and King County 2005b). All samples are processed by the King County Environmental Lab (KCEL) or a certified contract lab. Samples are collected from flowing streams upstream of any backwatering effect from Lake Washington (basin 32) and where applicable, upstream of tightlines (basin 06, 29, 42), heavy armoring (basin 26), or concrete lined channels (basin 10) that outlet to Lake Washington (Figure 1).

² For Mercer Island storm events, field staff aimed to collect water samples during storm events that had a three-day pre-storm period with an overall rainfall of 0.25 inches or less. In addition, samples were collected after a particular storm reached a cumulative precipitation threshold: 1) 0.25-0.5 inches of rain in 6 hours; 2) 0.5-0.75 inches of rain in 12 hours; or 3) greater than 1 inch of rain over 24 hours (King County 2008).

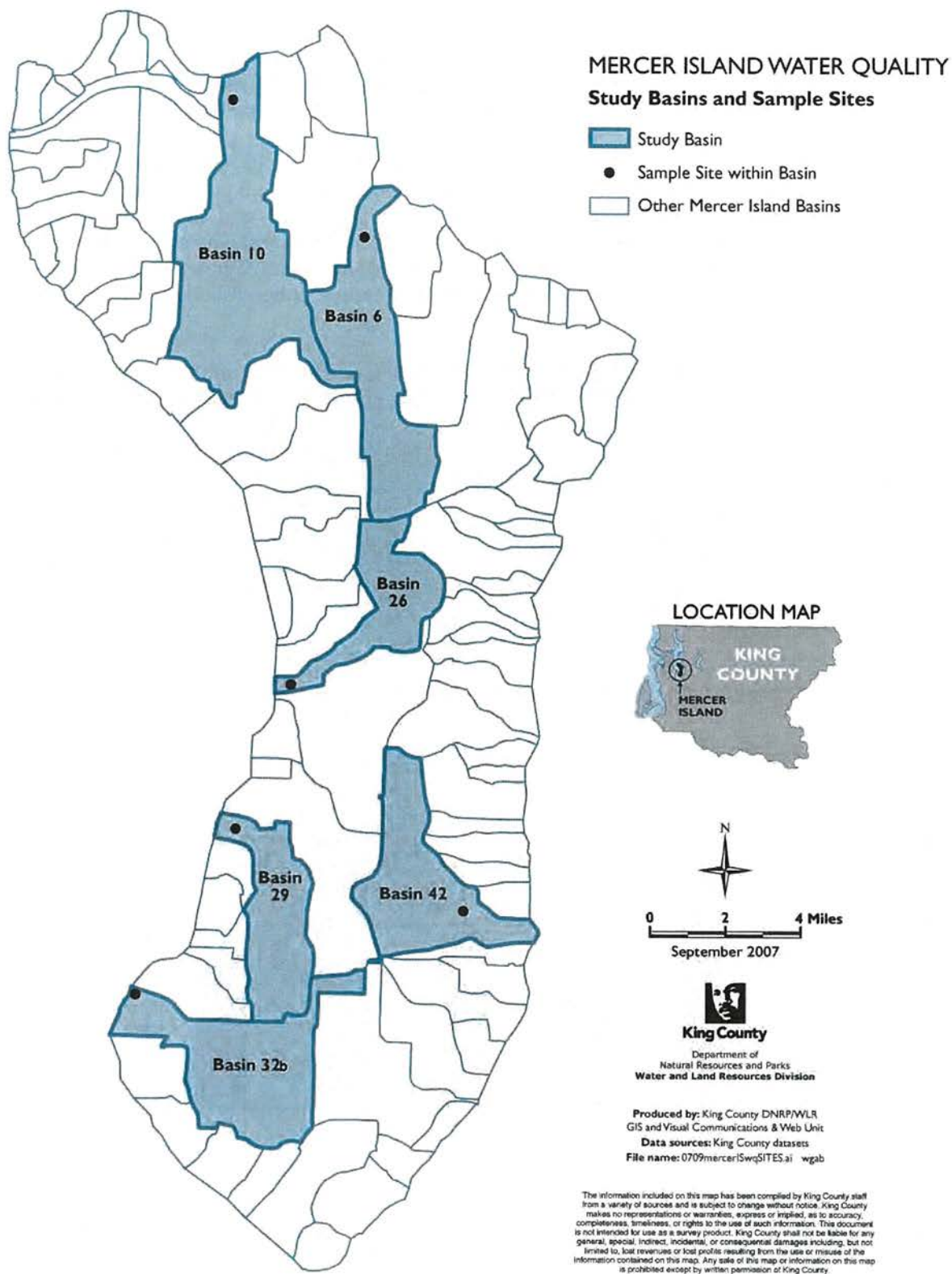


Figure 1. Mercer Island water quality study basins and sample sites.

Relative to basins 06, 26, 29, and 42, elevated levels of dCu and dZn have been detected in basins 10 and 32b, hereafter referred to as basin 32 (Table 1, Figures 2 and 3). The mean dCu for basins 10 and 32 are 4.5 µg/L (range - 1.3 to 7.8 µg/L) and 5.9 µg/L (range - 1.9 to 13.1 µg/L), respectively. Mean dCu concentrations in basins 06, 26, 29, are all less than four µg/L.

Relative to basins 06, 26, 29, and 42, concentrations of dZn in Basins 10 and 32 are also elevated; mean concentrations are 21.2 µg/L (range - 3.2-43.1) and 13.5 µg/L (range - 1.6 to 59.8 µg/L), respectively. Mean dZn concentration in Basins 06, 26, 29, and 42 are less than six µg/L. Hardness is also reported here because WQS for both copper and zinc are hardness-dependent (the lower the hardness, the greater the toxicity of the metal to aquatic life). See Appendix A for a summary of the statistical significance of mean concentrations of dCu and dZn between sites.

Table 1. Water hardness (mg/L CaCO₃) and dissolved metal (µg/L) concentrations summarized from storm sampling data collected between 1999 and 2009. N represents the number of samples.

Site	Hardness					Copper					Zinc				
	N	Mean	St Dev	Min	Max	N	Mean	St Dev	Min	Max	N	Mean	St Dev	Min	Max
06	30	66.3	30.0	35.5	156	32	2.6	0.9	0.6	4.2	32	5.9	4.6	0.7	24.6
10	33	55.6	35.3	16.8	179	34	4.5	1.4	1.3	7.8	34	21.2	8.2	3.2	43.1
26	26	97.0	49.2	45.9	280	27	2.9	2.1	0.7	12.0	27	2.1	1.2	0.5	5.6
29	15	73.0	29.5	36.3	129	15	3.7	1.7	0.6	6.5	15	3.9	1.7	0.9	6.2
32	25	46.5	26.0	18.4	119	26	5.9	2.6	1.9	13.1	26	13.5	11.9	1.6	59.8
42	16	67.5	20.0	47.0	121	17	3.3	1.4	2.3	7.7	17	3.2	1.4	1.5	6.4

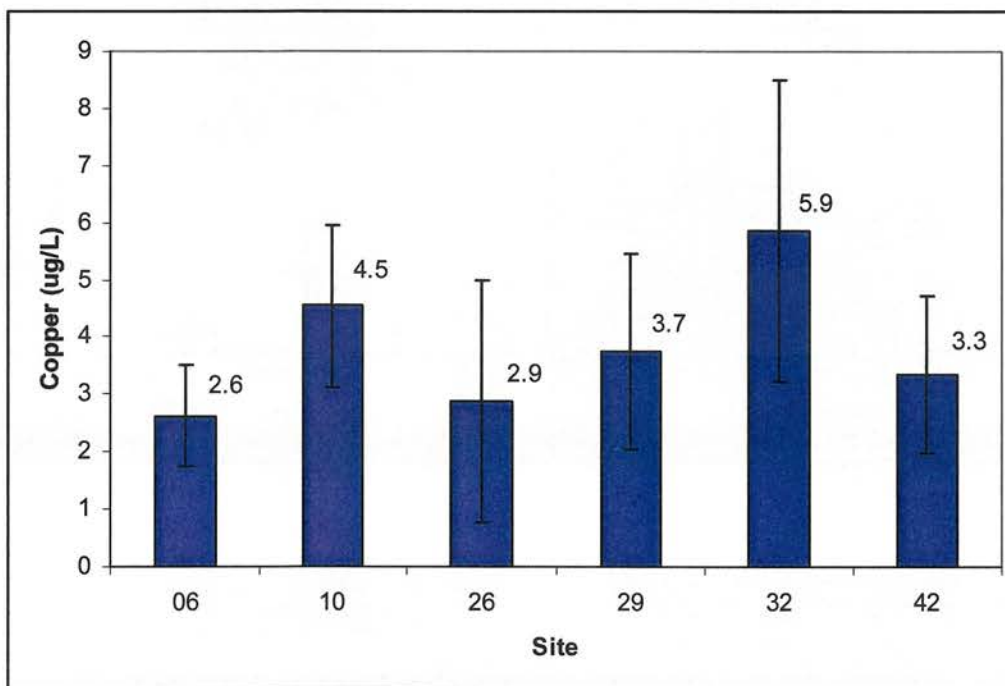


Figure 2. Mean dissolved copper concentrations collected from storm events at six Mercer Island basins between 1999 and 2009. Error bars represent \pm one standard deviation.

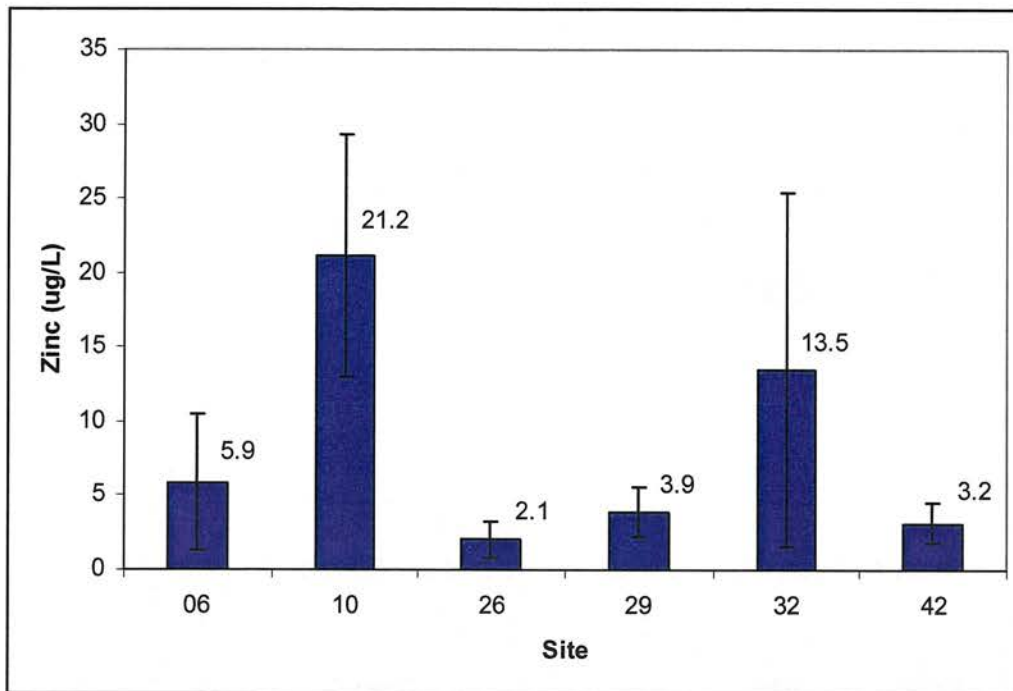


Figure 3. Mean dissolved zinc concentrations collected from storm events at six Mercer Island basins between 1999 and 2009. Error bars represent \pm one standard deviation.

Based on the available data, acute WQS for dCu and dZn have not been exceeded in basins 06, 26, 29, and 42 (Appendix B). However, there have been 3 exceedances of acute WQS for both copper and zinc in basin 10; in addition there have been 7 exceedances of acute WQS for copper and 1 for zinc in basin 32 (Table 2). Acute criteria are defined as the "one hour average concentration not to be exceeded more than once every three years on the average" (WAC 173-201A, 2003).

Table 2. Water hardness (mg/L) CaCO₃, dissolved metal (µg/L) concentrations, and hardness-adjusted³ acute Water Quality Standards (WQS) for basins 10 (left) and 32 (right). Highlighted and bold values indicate values exceeding the acute WQS.

Basin 10						Basin 32					
Date	Hardness	Cu	Cu Acute WQS	Zn	Zn Acute WQS	Date	Hardness	Cu	Cu Acute WQS	Zn	Zn Acute WQS
6/24/1999	90.6	2.93	15.50	16.10	105.26						
10/8/1999	24.3	7.79	4.49	43.10	34.52						
11/30/1999	29.9	2.24	5.46	16.70	41.15						
2/1/2000	39.1	3.14	7.02	11.40	51.65						
5/3/2000	55.3	4.16	9.74	21.20	69.28						
10/20/2000	51.0	5.54	9.02	27.30	64.69						
11/8/2000	44.9	4.29	8.00	26.10	58.07						
5/14/2001	36.3	6.04	6.55	23.60	48.50	5/14/2001	34.8	9.15	6.29	9.52	46.79
6/11/2001	63.7	5.00	11.13	17.20	78.10	6/11/2001	58.0	3.16	10.19	1.60	72.14
8/8/2001	160.0	1.30	26.50	8.25	170.43	8/9/2001	104.0	2.29	17.66	3.96	118.31
11/8/2001	47.0	5.28	8.35	25.10	60.36	11/8/2001	42.2	5.42	7.55	9.24	55.10
3/11/2002	51.9	4.53	9.17	14.90	65.65	3/11/2002	41.7	4.95	7.46	7.91	54.54
8/9/2002	179.0	1.30	29.45	3.15	187.43	8/9/2002	102.0	3.15	17.34	3.47	116.38
10/3/2002	16.8	6.01	3.17	34.10	25.25	10/3/2002	18.4	7.95	3.45	10.60	27.27
12/16/2002	73.0	5.42	12.65	19.10	87.66	12/16/2002	51.8	5.83	9.16	10.30	65.55
3/13/2003	73.7	5.04	12.76	17.00	88.37	3/13/2003	38.3	4.60	6.89	8.11	50.75
10/16/2003	55.3	4.80	9.74	24.00	69.28	10/16/2003	119.0	1.90	20.05	2.87	132.62
11/18/2003	25.9	3.68	4.77	18.40	36.43	11/18/2003	41.6	4.85	7.45	4.68	54.43
3/25/2004	26.2	3.89	4.82	15.80	36.79	3/25/2004	23.5	8.14	4.35	22.20	33.55
5/27/2004	34.2	4.95	6.19	15.50	46.11	5/27/2004	29.4	13.10	5.37	13.80	40.56
11/2/2004	60.9	2.86	10.66	18.80	75.18	11/2/2004	44.3	6.38	7.90	8.79	57.41
12/8/2004	73.1	5.30	12.67	26.50	87.76	12/8/2004	41.0	4.71	7.35	25.50	53.77
3/26/2005	24.9	4.28	4.59	19.80	35.24	3/26/2005	54.2	5.42	9.56	13.30	68.11
5/10/2005	98.1	3.99	16.71	15.50	112.60	5/10/2005	60.5	9.02	10.60	11.10	74.76
11/3/2005	50.8	5.16	8.99	20.90	64.47	11/3/2005	38.6	5.38	6.94	14.30	51.09
12/22/2005	62.2	6.16	10.88	21.60	76.54	12/22/2005	39.4	5.25	7.08	34.60	51.98
3/8/2006	34.5	3.59	6.24	15.40	46.45	3/8/2006	22.0	4.33	4.09	10.70	31.73
11/2/2006	19.4	5.04	3.63	33.10	28.52	3/8/2006	21.8	4.40	4.05	10.80	31.48
12/11/2006	40.7	3.98	7.29	18.40	53.43	11/2/2006	21.4	11.90	3.98	20.90	30.99
12/11/2006	44.0	3.95	7.85	17.70	57.08	12/11/2006	36.5	4.68	6.58	11.00	48.72
12/12/2008		4.77	*	40.10	*	12/12/2008		5.81	*	10.90	*
3/14/2009	40.7	6.29	7.29	26.70	53.43	3/14/2009	30.8	5.06	5.61	59.80	42.19
3/14/2009	44.6	6.42	7.95	26.50	57.74						
3/28/2009	64.2	5.06	11.21	20.70	78.62	3/28/2009	47.5	5.44	8.44	12.10	60.91

Data analysis by year further suggests that basins 10 and 32 consistently experience some of the highest levels of both dCu and dZn (Figures 4 and 5). Basin 32 had the highest mean dCu concentration (8.0 µg/L dCu in 2004). Landuse in basin 32 is primarily residential, but it also drains the few commercial businesses located on the south end of Mercer Island. Basin 10

³ The WQS are adjusted based on hardness using the following calculation: $(0.960)(e^{(0.9422[\ln(\text{hardness})] - 1.464)})$ as defined in WAC 173-201A. Metals are generally less toxic in harder water.

drains the majority of the City of Mercer Island's business district, in addition to single- and multi-family residential neighborhoods.

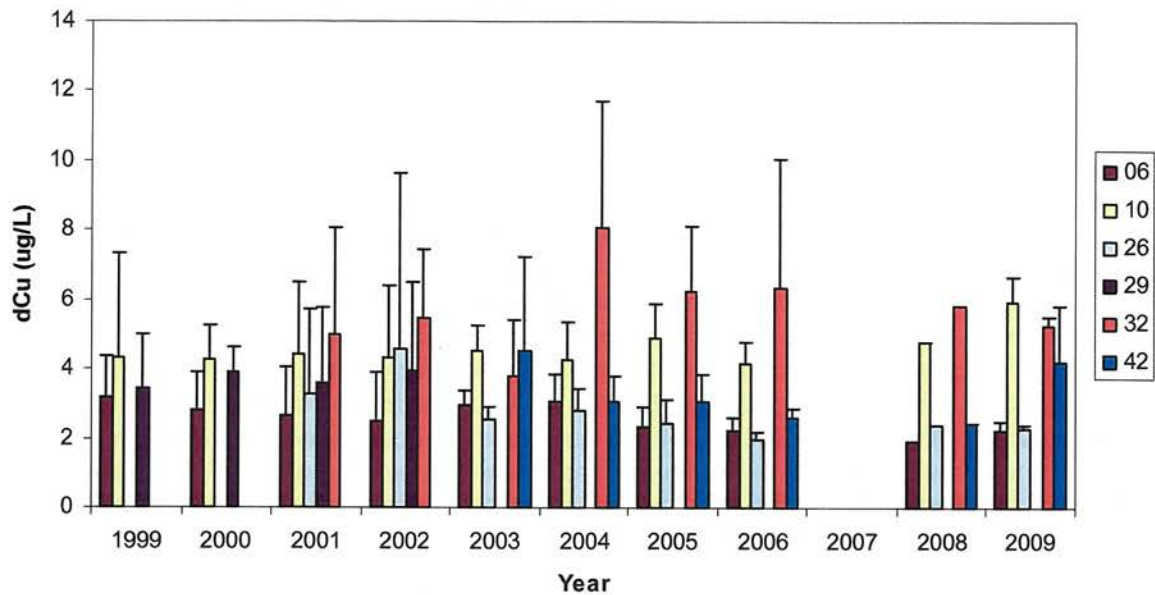


Figure 4. Dissolved copper concentration by year at six Mercer Island basins between 1999 and 2009. Between one and four samples were collected each year. Basins 10 and 32 consistently have the highest concentrations of dissolved copper relative to the other basins. Error bars represent \pm one standard deviation.

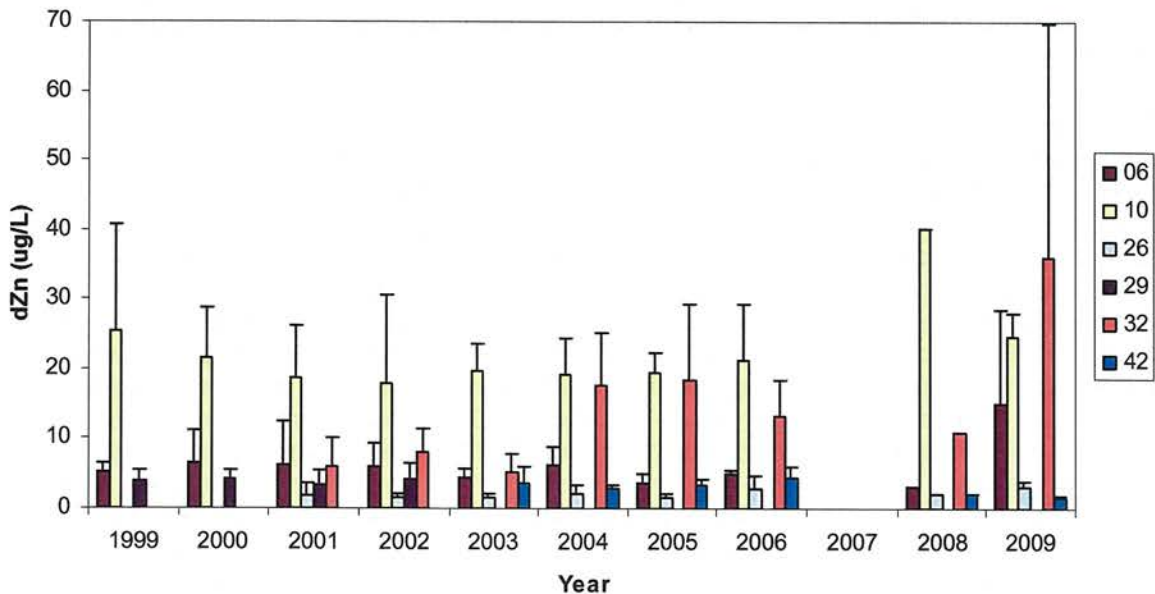


Figure 5. Dissolved zinc concentration by year at six Mercer Island basins between 1999 and 2009. Between one and four samples were collected each year. Basins 10 and 32 consistently have the highest concentrations of dissolved zinc relative to the other basins. Error bars represent \pm one standard deviation.

Sediment samples for analysis of metals have been collected annually in each of the basins. These data provide information to supplement the stormwater quality data. Sediment copper concentrations did not exceed freshwater sediment guidelines in any of the basins. However, sediment zinc concentrations in basin 10 exceeded the threshold effects level (Smith et al. 1996) in 1999, 2000, 2001, and 2005 (See Appendix C for the sediment results).

While only a handful of the water samples exceeded WQS for dCu or dZn, a growing body of literature suggests that fish behavior, particularly in salmonids, can be impacted by exposures to concentrations of dCu and dZn below WQS. Sprague (1968) demonstrated a threshold avoidance level of 5.6 µg/L of dZn for rainbow trout. Baldwin et al. (2003) found that exposure to dCu levels at 3 µg/L above the 3 µg/L present in the experimental test waters caused impact to coho olfaction. Sandahl et al. (2007) demonstrated sensory physiology and predator avoidance behaviors in coho at dCu concentrations as low as 2 µg/L. Hecht et al. (2007) used the thresholds reported in these papers to calculate benchmark concentrations for dCu. Benchmark concentrations ranged from 0.18-2.1 µg/L for predator avoidance behavior and 0.59-2.1 µg/L for olfactory responses. These benchmark concentrations represent increases in the dCu concentration above ambient levels less than or equal to 3 µg/L. All of these studies look only at one contaminant. They do not take into account additive or synergistic effects that an organism is likely exposed to in its aquatic habitat.

The National Marine Fisheries Service (NMFS) is utilizing effect thresholds lower than state WQS in their ESA Section 7 consultations with federal, state, and local governments (Landino 2008). NMFS recommends keeping dCu below 2.0 µg/L over ambient levels⁴ of 3.0 µg/L or less and dZn below 5.6 µg/L over ambient levels between 3 and 13.0 µg/L by infiltrating or dispersing treated stormwater so that the volume and frequency of discharges affects only a few feet of in-water habitat. Comparing these values to the Mercer Island data, eighty-eight percent of all dCu concentrations across all basins were greater than 2 µg/L and forty-six percent of all dZn concentrations exceeded 5.6 µg/L.

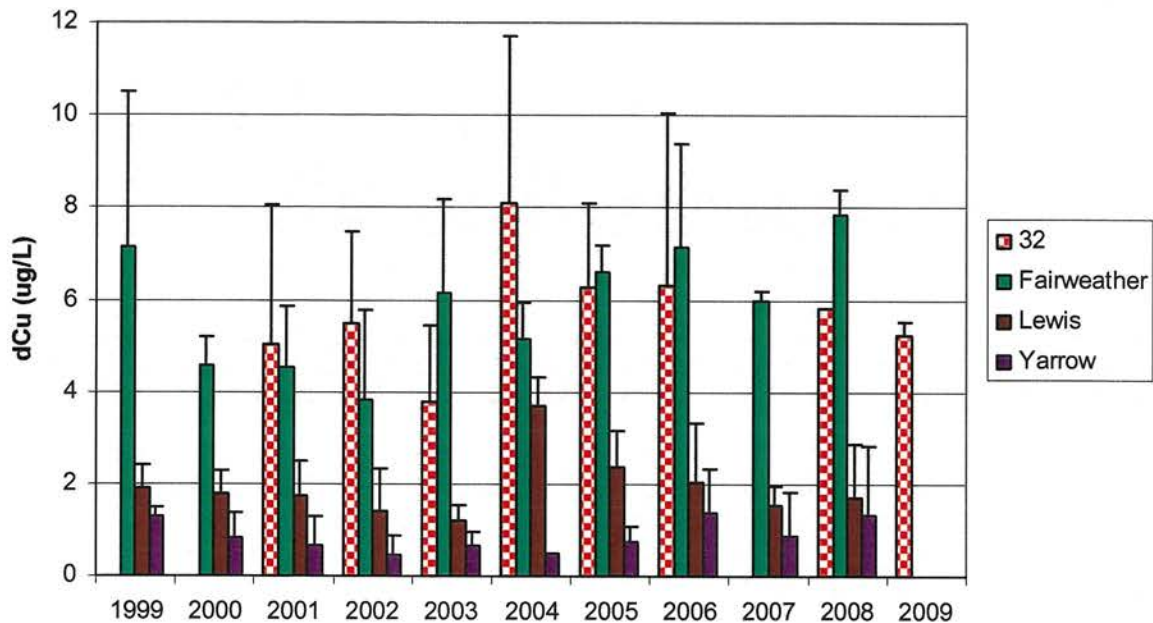
Regional Comparisons

Regional comparisons to other urbanized basins were conducted to better understand the relative scale of water quality issues in Mercer Island study basins. Five regional streams that have been monitored since at least 1999 as part of King County's Stream Monitoring Program were selected for comparison. These streams have similar land use to those monitored on Mercer Island. However, these regional streams are generally larger systems with greater bank width and higher free-flowing hydrologic regimes that often support anadromous fishes and other species. In contrast, the Mercer Island streams are smaller, periodically tight-lined, and typically do not support migratory salmonids. In addition, wet-weather sampling criteria for the King County Stream Monitoring Program (greater than 0.25 inches rainfall over 24 hours with a minimum 24-hour antecedent dry period (King County 2002)) were slightly less stringent than the storm sampling criteria for the Mercer Island program (three day pre-storm period with less than 0.25 inches of rain and a cumulative precipitation of at least 0.25 inches over 6 hours, 0.5 inches over 12 hours, or 1 inch over 24 hours (King County 2008)). As a result of the baseflow and sampling criteria differences, the Mercer Island streams are likely to be more stormwater dominated during storm events than the regional streams.

⁴ The ambient levels of dissolved metals in Mercer Island streams are not known. To date, all data collected is from storm events, therefore dry or summer baseflow metals levels are not known.

Idyllwood Creek, which flows into Lake Sammamish and Thornton Creek, which flows into Lake Washington, were categorized as “commercial” for comparison with basin 10. Fairweather, Lewis, and Yarrow creeks were categorized as “residential with erosive ravines” for comparison with basins 06, 26, 29, 32, and 42. For more information about these streams and past sampling that has been conducted, refer to the King County Streams site (<http://www.kingcounty.gov/environment/data-and-trends/monitoring-data/streams.aspx>).

Fairweather Creek and basin 32⁵ typically had the highest dCu concentrations when compared to other residential basins (Figure 6). Basin 32 has consistently experienced elevated dZn concentrations since 2004 compared to other residential basins. See Appendix D for details on the statistical significance of these comparisons.



⁵ Basin 32 is primarily residential, however it does have a small commercial area at its upstream extent.

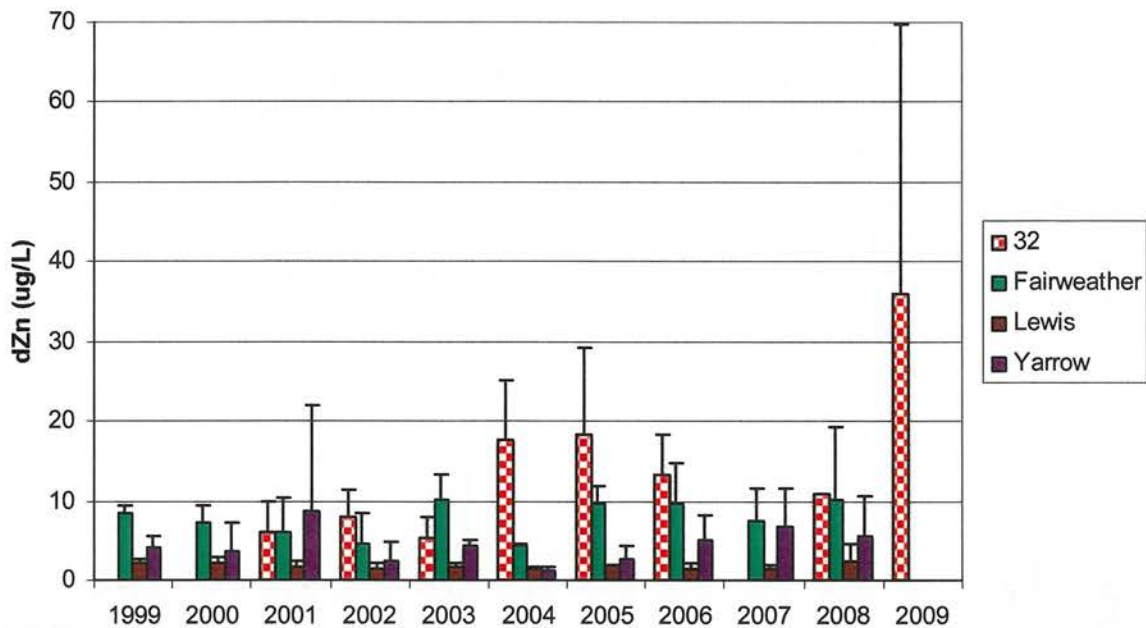


Figure 6. Dissolved copper (top) and zinc (bottom) concentrations by year at basin 32 compared to three regional streams dominated by residential landuse. Error bars represent \pm one standard deviation. Both dCu and dZn concentrations for basin 32 were significantly higher than Lewis and Yarrow Creeks.

Basin 10 experiences elevated concentrations of dCu and dZn compared to two other regional basins dominated by commercial development (Figure 7). The mean annual metal concentrations in basin 10 were statistically higher when compared to concentrations in Idyllwood and Thornton Creeks (Appendix D).

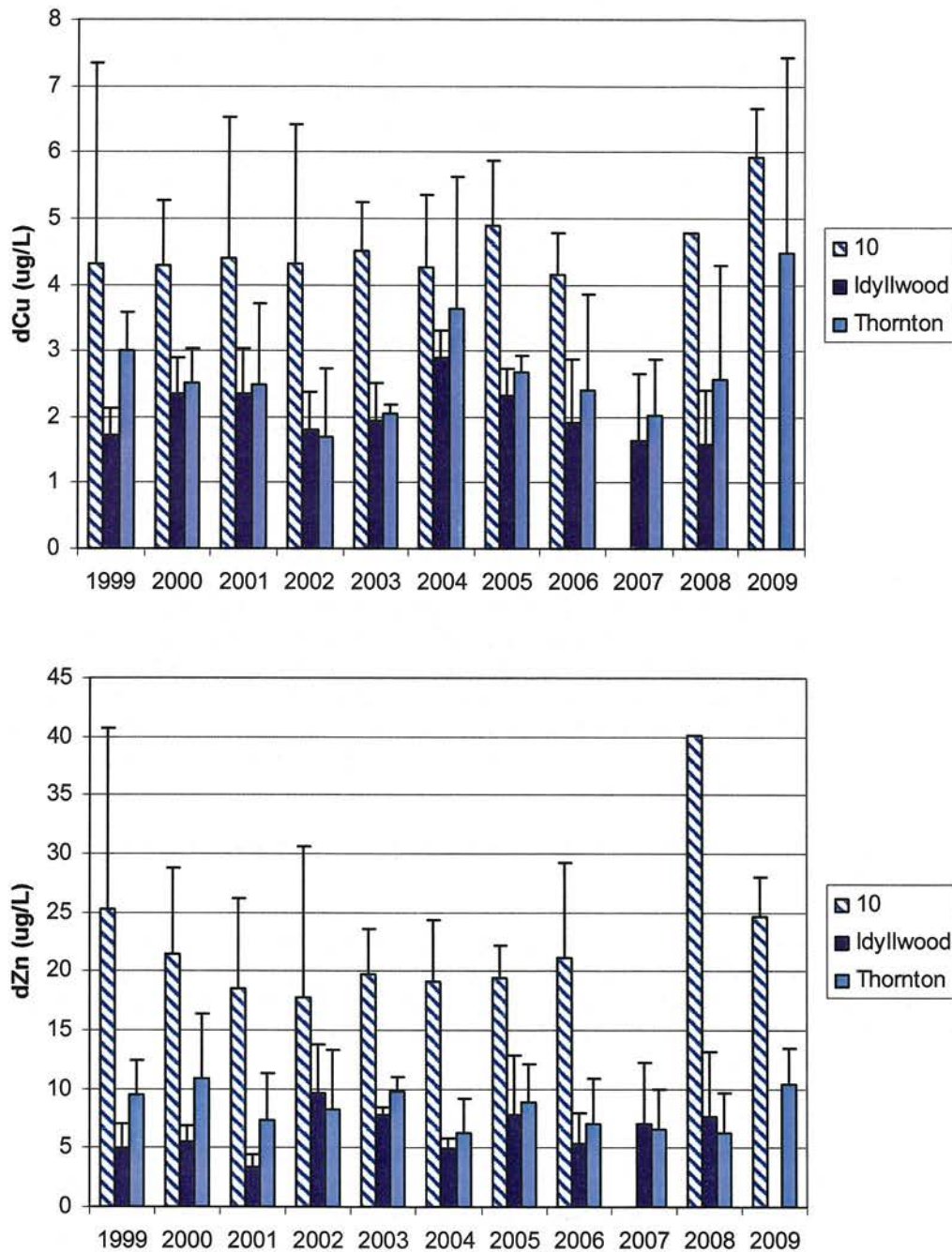


Figure 7. Dissolved copper (top) and zinc (bottom) concentrations by year at basin 10 and two regional stream locations with commercial landuse. Error bars represent \pm one standard deviation. Both dCu and dZn concentrations for basin 10 were statistically higher than Idyllwood and Thornton Creeks.

Implications for Aquatic Life in Mercer Island Basins

The 6 study streams on Mercer Island do not support spawning adult salmon populations, and likely have limited geographic distribution of rearing juvenile salmonid populations, mostly

immediately upstream of their confluence with Lake Washington mouths (personal communication with Kollin Higgins, King County DNR, 9/23/2009). Most of these streams have seasonal hydrology, steep gradients, and both natural and artificial barriers that prevent fish access. However, in 2002 the Watershed Company surveyed some of Mercer Island's streams to help refine the City's Geographic Information System (GIS). They classified streams using the Washington State Department of Natural Resources (DNR) interim water typing system (WAC 222-16-031 2001) and made site visits which included potential fish use interpretations based on direct observations, conversations with fish professionals, or best professional judgment (Watershed Company 2003). Basin 29 was described as having fish at the mouth and basin 32 was described as having good fish access at the mouth and good conditions for coho use throughout the downstream extent. Both basins 10 and 26 had barriers near the downstream end, which prevented fish access. Basins 06 and 42 were not evaluated for fish use due to pipes at the downstream end. (See Appendix E for more information regarding the Watershed Company study). If fish frequent the mouths of these streams, exposure to elevated dCu and dZn levels, especially in basin 32 where good coho habitat has been documented, could potentially cause adverse effects to these fish populations. Copper is also highly toxic at low concentrations to aquatic macroinvertebrates and primary producers and therefore elevated concentrations may influence the entire aquatic food web (EPA 2007).

Conclusions, Recommendations, and Potential Next Steps

Water quality sampling from 1999 to 2009 at 6 Mercer Island streams has identified two basins where dCu and dZn levels occasionally exceed state WQS. In addition, dCu and dZn levels in all 6 streams frequently exceed concentrations that may have potential adverse impacts on fish olfaction and behavior. Source control efforts to decrease metal concentrations particularly in basins 10 and 32 and to a lesser extent in basins 06, 26, 29, and 42 could reduce the potential risk to fish and aquatic life associated with exposure to chronic, acutely toxic, and sub-lethal concentrations of metals such as copper and zinc.

The following provides some suggestions and recommendations to address these elevated metal concentrations:

- 1) Identify potential sources of dCu and dZn via field reconnaissance and inventories (for use of lawn care products, roofing materials, etc), or additional water testing (add sampling locations at tributary mouths or downstream of potential source areas to try to isolate the contributing areas for elevated dissolved metals).
 - a. Copper sources include:
 - i. Vehicle brake pads
 - ii. Treated wood
 - iii. Pesticides, algicides, and fungicides used on crops and lawns, on roofs to reduce mildew and rotting, and in swimming pools, wetlands and lakes to control algal and plant growth
 - iv. Architectural copper including copper roofs, drain pipes, flashing and decorative copper
 - v. Bronze or brass which might be used in light posts, light fixtures, fencing ornamentation, sculptures, or outdoor plumbing fixtures
 - b. Zinc sources include:
 - i. Vehicle wear and tear
 - ii. Vehicle tires
 - iii. Galvanized metals including roofing, gutters, flashing, downspouts, guardrails, and light posts
 - iv. Some other roofing products may contain zinc for moss inhibition

- v. Bronze or brass structures and fixtures (see above under copper sources)
 - vi. Some paints
- 2) Based on source identification results regarding lawn care product use, driving habits, architectural materials, and driving and vehicle washing habits, implement outreach and educational efforts to encourage more responsible or reduced use of these materials and products. In addition, encourage reduced driving and coating of copper to reduce releases. City policies could be amended to limit use of copper and zinc building materials and zinc or copper containing moss killer or pesticides⁶.
 - 3) Implement source control BMPs and low impact development (LID) methods for new development and redevelopment projects as recommended by the 2005 DOE Stormwater Manual for Western Washington (DOE 2005) or other sources. Some possible applicable BMPs include efficient street sweeping, roadside ditch maintenance, or changes in roofing materials. Redevelopment might include use of permeable pavements⁷, vegetated filter strips, or biofiltration swales, which improve infiltration and stormwater pollutant control. A significant source of these metals is likely related to transportation. Diverting runoff from directly discharging to these streams may result in a decrease in metal concentrations.
 - 4) If source control measures are not effective over time, the 2005 DOE Stormwater Manual for Western Washington (DOE 2005) and the 2009 King County Surface Water Design Manual (King County 2009) are resources which describe stormwater facilities that might help reduce zinc and copper levels. However, since Mercer Island is already largely developed and dissolved metal concentrations only periodically exceed state WQS, facilities may not be logistically feasible or warranted. Constructed wetlands, wet ponds, biofiltration, sand filters, compost filters, and infiltration facilities can contribute to removing dissolved metals, however little data is currently available to document facility success. With effectiveness monitoring increasingly required, more information should be available in coming years to help direct stormwater cleanup efforts more effectively.

The following outlines additional sampling which might yield data that could better inform source control efforts, especially in basins 10 and 32:

- 5) Consider expanding sampling to include the parameters required to use the biotic ligand model (BLM) to estimate copper toxicity⁸. The BLM serves as the basis for the new national recommended copper criteria defined by the EPA in 2007 (EPA 2007)⁹. Compared to a hardness-based criteria, the BLM-based criteria is customized to the particular water under consideration.
- 6) Determine the extent of fish use and distribution in Mercer Island streams, expanding on the information presented in the Watershed Company's 2002 stream typing

⁶ In January 2003, Palo Alto, California adopted an ordinance prohibiting the use of copper-containing roofing materials, shingles, and gutters in new buildings and prohibiting their use for replacement of roofs (Palo Alto 2003).

⁷ Permeable pavements require periodic vacuuming. The Netherlands are experimenting with permeable pavement strips on the edges of roads (personal communication with David Batts, King County DNRP, 10/17/09).

⁸ The BLM was developed as an operational model of metal bioavailability and toxicity and is suitable for use in evaluating differences in the availability and toxicity of metals such as copper, differences that occur as a result of changes in water chemistry from site to site, and at a given site over time. The BLM requires several water quality parameters to estimate copper toxicity including temperature, pH, dissolved organic carbon (DOC), major cations (Ca, Mg, Na, and K), major anions, (SO₄ and Cl), and alkalinity.

⁹ Changes to the state WQS are not anticipated in the near futures.. When changes are made, it is unclear whether Washington will continue with a hardness-dependent criteria or propose using the BLM (personal communication with Cheryl Niemi, WA DOE, 10/20/2009).

**RECOMMENDED ACTIONS
for PLANNING COMMISSION
AND CITY COUNCIL**

The foregoing makes clear that the proposed Coval Plat cannot be approved as proposed by the developers. The necessary conditions and modifications are listed below.

1. **REMAND FOR ADDITIONAL INFORMATION.** The evidence shows that there are serious deficiencies in the reports and studies prepared by the applicant. The Commission and Council should order additional work to be performed by the applicant, in the following areas:

- a) Watercourse and Wetland Analysis. The report by Mr. Luchessa indicates that features of the site include a wetland and watercourse, thus the terms of the Mercer Island Critical Areas Ordinance apply. Accordingly, setbacks should be established consistent with those ordinances.

- b) Critical Area Determination. As noted in the materials, the City failed to follow prescribed rules for Critical Area Determinations under Mercer Island codes. These code sections are described in Tab 3 in this notebook. The plat should be remanded to staff to meet these procedural requirements, which include public notice, opportunity for comment and right to an appeal.

- c) Traffic Impact Analysis. The applicant's traffic consultant used the wrong basis for analysis of traffic impacts from the proposed plat, using trip generation per lot rather than trip generation per vehicle. Because more than 20 P.M. peak hour trips are anticipated, a Traffic Impact Analysis should be prepared.

- d) Stormwater Analysis. Based on the report of NHC, the stormwater analysis should be returned to the applicant to prepare i) an accurate analysis of potential stormwater runoff from the site after development and ii) a downstream analysis from the plat to Lake Washington.

2. **CHANGES TO PLAT.** Following the preparation of additional information, the evidence shows that the plat should be modified and conditioned in the following areas.

- a) Steep Slopes. All steep slopes on the site should be set aside as open space for the plat under the Mercer Island ordinance discussed at Tab 3. These include the area from the west property line to the top of ridge as shown on the topographic drawings and the steep slopes identified adjacent to the stream course shown on the same map. These areas are shown in green on the attached topographic map.

- b) Pond and Bog. The existing koi pond and bog should be preserved as

open space features in the plat to be maintained by the eventual homeowners' association. These features should also incorporate passive recreation opportunities for lot owners. This area is shown in blue on the attached topographic map.

c) Road Improvements. Based on the substandard condition of 84th Avenue S.E. in the vicinity of the proposed plat, the developer should be required to install sidewalks adjacent to 84th Avenue north to the intersection with 81st Avenue. The central private road should be a minimum of 30 feet in width to allow parking and circulation.

d) Access from 84th to Lots 1-4. Lots that have a common boundary line with the right-of-way on 84th should not directly access that street, but take access from the private road internal to the plat itself.

e) Tree Preservation. All trees identified on the tree survey should be preserved within 15 feet of the perimeter of the site unless classified as danger trees. If no trees are present, trees should be planted to provide screening and privacy to residents on both sides of property line.

f) Eliminate Pedestrian Path to the West. The pedestrian path leading southwest from the plat should be eliminated because a public pathway down the extremely steep section of the unopened 32nd street right-of-way is expensive, impractical and unlikely to be built.

g) Setback from Watercourse and Wetlands. Setbacks should be established from the watercourse and wetlands that exist on the site.

h) Stormwater modifications. The stormwater design and capacity, including downstream controls and improvements, should be modified based on the outcome of required additional analysis.

i) Building Pads. Building pad elevation should be limited to the existing grade along the north and sound boundaries.

j) Construction Impacts. Noise from the development should be strictly limited. Appropriate conditions should be employed to limit construction noise including, but not limited to i) ambient sensitive, self adjusting back-up signals, ii) noise tents for noisy equipment, iii) elimination of noise from slamming tailgates or cargo doors, iv) reduction in vehicle idling and v) use of only modern, noise limiting construction equipment. Working hours should be strictly limited, allowed from 8:00 a.m. to 6:00 p.m. on weekdays and 9 a.m. to 5 p.m. on Saturdays, with no Sunday work.

EXHIBIT 104

March 2007

Technical White Paper

An overview of sensory effects on juvenile salmonids exposed to dissolved copper: Applying a benchmark concentration approach to evaluate sublethal neurobehavioral toxicity

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EXHIBIT 104

Project Nos.: SUB13-009/SEP13-031

Project Name: Coval Preliminary Long Plat

Project Address: 3051 84th Avenue SE

Executive Summary

Dissolved copper is a ubiquitous surface water pollutant that causes a range of adverse acute, chronic, and sublethal effects in fish as well as in aquatic invertebrates and algae. This technical white paper is a summary and targeted synthesis regarding sensory effects to juvenile salmonids from low-level exposures to dissolved copper (dCu). As such, the material presented in this paper does not reflect official policy of the National Marine Fisheries Service, but serves to summarize research on dCu and its impacts on salmonid sensory systems. This document is a snap shot of the existing information; undoubtedly, new information will become available that enhances our understanding of copper's effect on listed salmonids and their supporting habitat.

A large body of scientific literature has shown that fish behaviors can be disrupted at concentrations of dCu that are at or slightly above ambient concentrations (i.e. background). In this document, background is defined as surface waters with less than 3 ug/L dCu as experimental water had background dCu concentrations as high as 3 ug/L dCu. Sensory system effects are generally among the more sensitive fish responses and underlie important behaviors involved in growth, reproduction, and ultimately survival (i.e. predator avoidance). Recent experiments on the sensory systems and corresponding behavior of juvenile salmonids contribute to more than four decades of research and show that dCu is a neurotoxicant that directly damages the sensory capabilities of salmonids at low concentrations. These effects can manifest over a period of minutes to hours and can persist for weeks.

In this paper, benchmark concentrations (BMC) were calculated for dCu using an U.S. Environmental Protection Agency (EPA) methodology to provide examples of effect thresholds to assist in evaluating effects of activities that deliver dissolved copper to surface waters. Benchmark concentrations ranged from 0.18 – 2.1 µg/L corresponding to reductions in predator avoidance behavior from approximately 8 – 57%. The BMC examples represent the dCu concentration (above background [where background is less than or equal to 3 ug/L]) expected to affect juvenile salmonids' ability to avoid predators in fresh water. These concentration thresholds for juvenile salmonid sensory and behavioral responses fall within the range of other sublethal endpoints affected by dCu such as behavior, growth, and primary production, 0.75-2.5 µg/L.

Point and non-point source discharges from anthropogenic activities frequently exceed these thresholds by one, two, and sometimes three orders of magnitude and can occur for hours to days. The United States Geological Survey (USGS) ambient monitoring results for dCu representing 811 sites across the U.S. detected concentrations ranging from 1-51 µg/L with a median of 1.2 µg/L. Additionally, typical dCu concentrations originating from road runoff from a California study were 3.4 - 64.5 µg/L, with a mean of 15.8 µg/L. Taken together, the information reviewed and presented herein indicates that impairment of sensory functions important to survival of juvenile salmonids is likely to be widespread in many freshwater aquatic habitats. Impairment of these essential behaviors may occur following ten minutes of exposure and continue for hours to days depending on concentration and duration. Due to these acute, sublethal responses i.e. within minutes, it is unlikely that avoidance or acclimation play significant roles in reducing the

effects of short term anthropogenic increases of dCu to juvenile salmonid sensory systems.

We also discuss the bioavailability of copper in aquatic habitats including the effects of water chemistry on olfactory toxicity. Avoidance behavior studies on salmonids exposed to dCu are summarized as well as representative studies of acute, chronic, and sublethal effects to salmonids. Given the large body of literature on copper and responses of aquatic ecosystems, we focused on a subset of fish sensory system studies relevant to anadromous salmonids.

Abstract:

Dissolved copper (dCu) is a ubiquitous, toxic pollutant in U.S. surface waters. Four decades of research with dCu, indicate toxicity to multiple fish endpoints including fish sensory systems and behaviors. This document summarizes literature on the effects of dCu to salmonid sensory systems and conducts a targeted analysis on a recent sensory system behavioral dataset. The review portion of the document discusses peer reviewed and gray literature (see Appendix) on the effects of dCu on salmonid sensory systems, associated sensory-mediated behaviors, and physiology and is intended to facilitate understanding of the effects of dCu on sensory system mediated behaviors that are important to survival, reproduction, and distribution of salmonids. The review does not address the effects of dCu on salmonid habitats although copper is also highly toxic, at low ug/L concentrations, to aquatic plants and invertebrates.

The targeted analysis was conducted with data from a recent experiment on fish olfaction and predator avoidance behavior. Results from this experiment showed that increases in dCu impaired the ability of juvenile salmonids to smell and by extension reduced their capacity to detect and respond to alarm signals (conspecific skin extracts). Impaired olfaction manifested over a period of minutes in juvenile coho. Olfaction and behavioral impairment endpoints were significantly correlated ($r^2 = 0.94$) and indicated statistically significant effects ($\alpha = 0.05$) at all concentrations tested for olfaction (2, 5, 10, 20 ug/L) and at 5, 10, and 20 $\mu\text{g/L}$ for alarm response (inhibition of swimming speed reductions). However, no experimental treatments were tested below 2 $\mu\text{g/L}$ which corresponded to an approximately 50% reduction in olfactory function and a 47% reduction in alarm response.

To address this critical uncertainty, we conducted a benchmark concentration (BMC) analysis with the olfactory dataset. The analysis produced BMC estimates ranging from 0.18 (BMC₁₀) - 2.1 (BMC₅₀) $\mu\text{g/L}$ which corresponded to approximately 8 – 57% estimated reductions in predator avoidance response. These results indicate juvenile salmonid sensory systems and their mediated ecologically relevant behaviors are particularly sensitive to low ug/L increases. Impairment of olfaction in juvenile salmonids can manifest in minutes, last for minutes to weeks (depending on dose), and potentially result in population level consequences. These sensory effects are discussed in the context of site specific issues including the bioavailability of dCu.

Acronyms and Glossary

Acute exposure – short term continuous exposure generally 96 hrs or less

BLM- Biotic Ligand Model

Chronic exposure – longer term continuous or pulsed exposures generally greater than 96 hrs

Confidence interval (CI) - A confidence interval is a random interval constructed from data in such a way that the probability that the interval contains the true value can be specified before the data are collected.

dCu – dissolved copper

DOC- dissolved organic carbon

EC_p – effective concentration adversely affecting (p) percent of the test population or percent of measured response, e.g., 10% for an EC₁₀, etc.

EOG- Electro-olfactogram

LC₅₀ - the aqueous concentration that kills 50% of the test population

Lower-bound 90% confidence interval - is the lower half of the 90% confidence interval of the mean

Lower-bound 95% confidence interval - is the lower half of the 95% confidence interval of the mean

LOEC - Lowest observable effect concentration

Mean - is the average of the response values in a treatment population. Numerically it represents the sum of the individual response values divided by the number of individuals in a treatment.

mV- millivolts

NOAEL - No observable adverse effect level

NOEC- No observable adverse effect concentration

ORN- olfactory receptor neuron

ppb – part(s) per billion, equivalent to ug/L

Relative departure - is a prescribed change in response e.g. the concentration at which a 10% effect is predicted.

Statistical departure – uses statistical methods to select a prescribed change e.g. applying the 90% or 95% lower-bound confidence interval of the mean of the control response to select the value at which an individual salmonid's olfaction is impaired.

Introduction

Copper, a naturally occurring element, is an essential micronutrient for plants and animals, but is also recognized as a priority pollutant under the U.S. Clean Water Act. Historical and current anthropogenic activities have mobilized significant quantities of copper. Vehicle emissions and brake pad dust [1], pesticides [2], industrial processes, mining, and rooftops [3, 4] are a few of the sources that contribute copper to the environment. These uses may lead to the unintended and, in some circumstances, intended introduction of copper into aquatic ecosystems [5, 6]. Once introduced into the aquatic environment, copper is detected in multiple forms. It can be dissolved or bound to organic and inorganic materials either in suspension or in sediment. This so called speciation of copper is dependent on site specific abiotic and biotic factors. Copper is an element, so once introduced, it will persist indefinitely, cycling through ecosystems. ~~Copper in its dissolved state is worthy of particular scrutiny as it is highly toxic to a~~ broad range of aquatic species including algae, aquatic invertebrates, and fishes (including anadromous salmon and steelhead within the *Oncorhynchus* and *Salmo* genera).

Currently, anadromous salmonid populations inhabit waters of Alaska, Oregon, Washington, California, Idaho, and Maine (Atlantic salmon [*Salmo salar*]). Dissolved copper (referred to as dCu herein) is consistently detected in salmonid habitats including areas important for rearing, migrating, and spawning [7, 8]. Dissolved copper is known to affect a variety of biological endpoints in fish (e.g. survival, growth, behavior, osmoregulation, sensory system, and others; reviewed in [9]). More than forty years of experimental results show that sensory systems of salmonids are particularly sensitive to dissolved copper. Recent experimental evidence showed that juvenile sensory system mediated behaviors are also affected by short term exposures to dCu.

Given the ecological significance of these behaviors to salmonids, it is important to characterize the potential effects from dCu. The growing body of scientific literature indicates that dCu is a potent neurotoxicant that directly damages the sensory capabilities of salmonids at low concentrations (see discussion below). These concentrations may stem from anthropogenic inputs of dCu to salmonid habitats. Salmonid sensory systems mediate ecologically important behaviors involved in predator avoidance, migration, and reproduction. Impairment of these behaviors can limit an individual salmonid's potential to complete its lifecycle and thus may have adverse population level consequences.

The purpose of this paper is to: (1) summarize information on the effects of dCu to the sensory systems of juvenile salmonids in freshwater (also see Appendix); (2) conduct a benchmark concentration analysis to generate examples of dCu effect thresholds; and (3) to discuss site-specific considerations for sensory system effects. As such, this white paper focuses on a single contaminant (dCu), two relevant sensory system endpoints (olfaction and alarm response behavior), and a single salmonid life stage (juvenile, < 10 months old).

Previous studies on the effects of copper

Examples of copper's effect on a suite of selected biological endpoints from laboratory and field exposures are presented in Table 1. Additionally, the Appendix contains a targeted review and summary of some of the previous studies showing copper's effect on salmonid behavior, including avoidance and migratory disruptions. A supplemental bibliography is also attached for further information on salmonid sensory systems. The following analysis of sensory effects on juvenile salmonids primarily emphasizes recent and ongoing research conducted at the National Oceanic Atmospheric Administration's Northwest Fisheries Science Center. However, the phenomenon that copper and some other trace metals can interfere with chemoreception, alter behaviors, and influence the movements of fish was first described at least 40 years ago, and a large body of knowledge on the adverse effects of dCu has subsequently developed (Table 1).

Table 1. Selected examples of adverse effects with copper to salmonids or their prey.

Species (lifestage)	Effect	Effect concentra- tion (µg/L) (Note A)	Effect statistic	Hardness (mg/L) (Note B)	Exposure duration	Source/ Notes
Sensory and behavioral effects						
Coho salmon (juvenile)	Reduced olfaction and compromised alarm response	0.18 - 2.1	EC ₁₀ - EC ₅₀	120	3 hours	[10]
Chinook salmon (juvenile)	Avoidance in laboratory exposures	0.75	LOEC	25	20 minutes	[11]
Rainbow trout (juvenile)	Avoidance in laboratory exposures	1.6	LOEC	25	20 minutes	[11]
Chinook salmon (juvenile)	Loss of avoidance ability	2	LOEC	25	21 days	[11]
Atlantic salmon (juvenile)	Avoidance in laboratory exposures	2.4	LOEC	20	20 minutes	[12]
Atlantic salmon (adult)	Spawning migrations in the wild interrupted	20	LOEC	20	indefinite	[12]

Species (lifestage)	Effect	Effect concentration (µg/L) (Note A)	Effect statistic	Hardness (mg/L) (Note B)	Exposure duration	Source/ Notes
Chinook salmon (adult)	Spawning migrations in the wild apparently interrupted	10 – 25	LOEC	40	indefinite	[13]
Coho salmon	Delays and reduced downstream migration of dCu-exposed juveniles	5	LOEC	95	6 day	[14, 15]
Rainbow trout	Loss of homing ability	22	LOEC	63	40 weeks	[16]
Ecosystem effects						
	Ecosystem function: Reduced photosynthesis	2.5	LOEC	49	~ 1 year	[17]
	Ecosystem structure: loss of invertebrate taxa richness in a mountain stream	5	LOEC	49	~ 1 year	[18]
Other sublethal effects						
Chinook salmon	Reduced growth (as weight)	1.9	EC ₁₀	25	120 days	[19]
Rainbow trout	Reduced growth (as weight)	2.8	EC ₁₀	25	120 days	[20]
Coho salmon	Reduced growth (as weight)	21 – 22	NOEC	24 - 32	60 days	[21]
Steelhead	Reduced growth (as weight)	45 – > 51	NOEC	24 - 32	60 days	[21]
Direct Lethality (Note C)						
Chinook salmon (fry)	Death	19	LC ₅₀	24	96 h	[22]
Coho salmon (fry)	Death	28 – 38	LC ₅₀	20 – 25	96 h	[15]

Species (lifestage)	Effect	Effect concentration (µg/L) (Note A)	Effect statistic	Hardness (mg/L) (Note B)	Exposure duration	Source/ Notes
Steelhead/ Rainbow trout (fry)	Death	9 – 17	LC ₅₀	24 – 25	96 h	[22, 23]
Coho salmon (adult)	Death	46	LC ₅₀	20	96 h	[24]
Steelhead (adult)	Death	57	LC ₅₀	42	96 h	[24]
Coho salmon (juvenile)	Death	21 – 22	NOEC	24 – 32	60 days	[21]
Steelhead (juvenile)	Death	24 – 28	NOEC	24 - 32	60 days	[21]
Steelhead (egg- to-fry)	Death	11.9	EC ₁₀	25	120 days	[19]

Abbreviations: LOEC – Lowest observed adverse effect concentration. Most LOEC values given are not thresholds, but were simply the lowest concentration tested; NOEC – No observed adverse effect concentration; LC₅₀ – the concentration that kills 50% of the test population; EC_p – effective concentration adversely affecting (p) percent of the test population or percent of measured response, e.g., 10% for an EC10, etc.; Indefinite – field exposures without defined starting and ending times

Note: A. Effects and exposure durations stem from laboratory and field experiments, therefore in some experiments multiple routes of exposure may be present i.e. aqueous and dietary, and water chemistry conditions will likely differ (see reference for details).

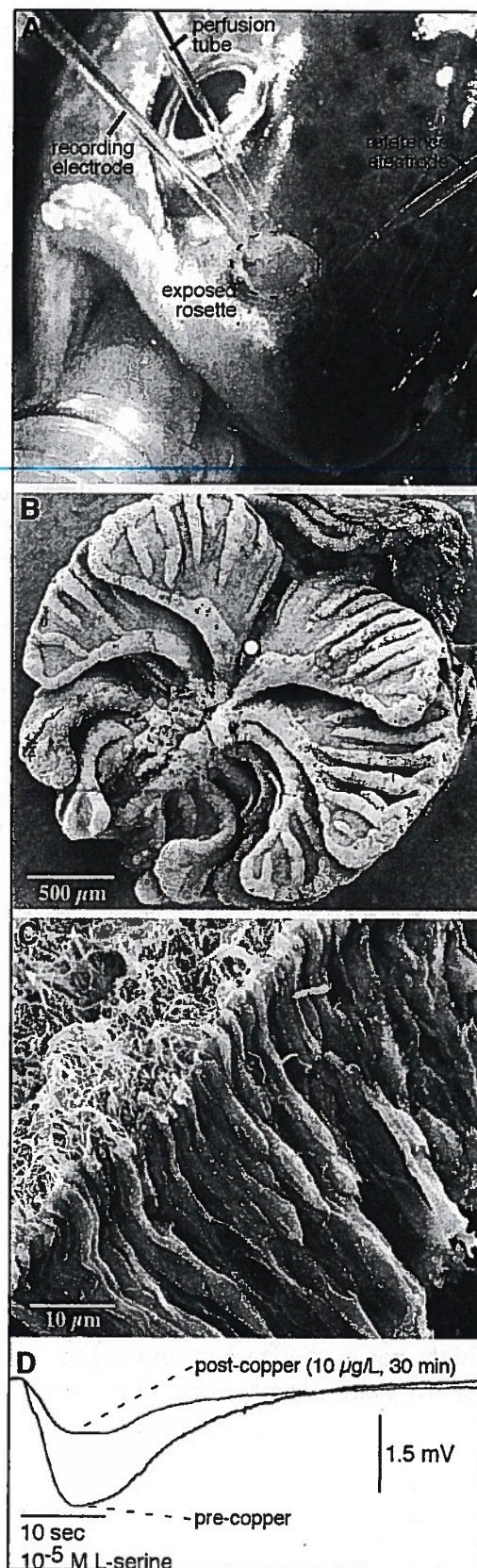
Note: B. Hardness is reported as it can influence the toxicity of copper.

Note: C. Acute sensitivity of salmonids to copper probably varies by life-stage, and the swim-up fry stage is probably more sensitive than older juvenile life stages such as parr and smolts, or adults.

Effects to anadromous salmonids' sensory systems exposed to dissolved copper

The salmonid olfactory sensory system relies on neurons (ciliated receptors) to detect and respond to cues in the aquatic environment. The receptors are in direct contact with the aqueous environment. Olfactory receptors detect chemical cues that are important in finding food, avoiding predators, navigating migratory routes, recognizing kin, participating in reproduction, and avoiding pollution. A pair of olfactory rosettes composes the peripheral portion of the olfactory system in a fish's nose (Figure 1A). Each rosette contains olfactory sensory neurons that respond to dissolved odors in water as they pass through the olfactory chamber (Figure 1B) where the olfactory receptors lie (Figure 1C). These chemical cues convey important information about the surrounding environment and underlie salmonid behaviors critical to completion of anadromous lifecycles.

Figure 1. Recording methods and features of the salmon peripheral olfactory system. A) Photograph showing the rostrum of a coho salmon during the recording of electro-olfactograms (EOGs). The mouthpiece provides chilled, anaesthetized water to the gills, while the perfusion tube delivers odor-containing solutions to the olfactory cavity. The recording electrode in the olfactory cavity and reference electrode in the skin monitor the response of the olfactory system to an odor. B) Scanning electron micrograph showing a rosette, located within an olfactory chamber of a juvenile coho salmon. Each rosette consists of lamellae (lobes) covered by an epithelium containing regions of sensory neurons. The open circle denotes the location and approximate size of the tip of the recording microelectrode. C) Scanning electron micrograph showing a cross-section from a region of sensory epithelium of a lamella. In the upper left is the apical surface containing the cilia and microvilli of the olfactory receptor neurons (ORNs). The dendrites and somata of the ORNs appear in the center within the epithelium, while the axons of the ORNs emerge from the basal surface at the lower right to produce the olfactory nerve. D) Typical odor-evoked EOGs obtained from a salmon before and after exposure to copper. A 10-second switch to a solution containing 10^{-5} M L-serine is shown with a horizontal bar. The EOG evoked by the odor pulse consists of a negative deflection in the voltage. A 30-minute exposure to copper reduced the amplitude of the EOG evoked in the same fish by 57%. Figure adapted from Baldwin and Scholz [25].



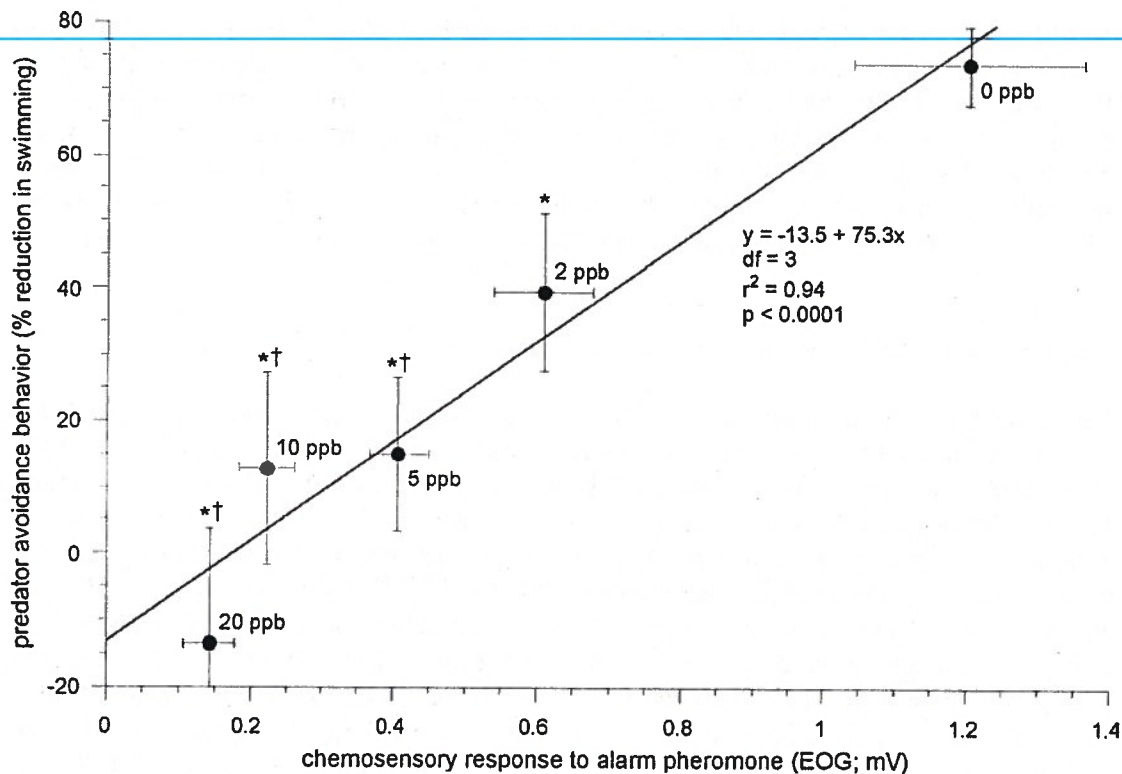
The precise mechanism by which dCu damages the olfactory system remains unknown, although direct exposure to dCu can impair and destroy olfactory sensory neurons [10, 26-28]. Impairment of olfaction (i.e. smell) can be measured by an electrophysiology technique called the electro-olfactogram (EOG) (Figure 1) [25, 28, 29]. The EOG measures olfactory receptor function in fish. Reductions in the amplitude of the EOG of copper-exposed fish compared to unexposed fish reflect functional losses in sensory capabilities. Dissolved copper's toxic effect to olfactory sensory neurons is observable as a reduction in or elimination of the EOG amplitude to a recognizable odor (Figure 1D).

Several recent studies highlight some important aspects of copper olfactory toxicity [10, 27, 30]. Baldwin et al. [27] found that the neurotoxic effects of copper in coho manifest over a timescale of minutes. At 10 minutes, EOG amplitude reductions were observed in juvenile coho exposed to 2, 5, 10, and 20 $\mu\text{g/L}$ dCu above experimental background (3 $\mu\text{g/L}$). After 30 minutes at 2 $\mu\text{g/L}$ dCu above experimental background, the EOG amplitude from juvenile coho salmon to odors was reduced by approximately 25% compared to controls; in 20 $\mu\text{g/L}$ dCu after 30 minutes by approximately 80%. Sandahl et al. [30] found similar effects following 7 days of exposure (both in EOG reductions and copper concentrations). This result indicated that the juvenile olfactory system cannot adapt to, and correct for, continuous copper exposure for durations up to 7 days.

Recently, using EOG measurements in combination with a predator avoidance assay, Sandahl et al. [10] presented the first evidence that impaired olfaction (smell) resulted in a direct suppression of predator avoidance behavior (alarm response) by juvenile coho at environmentally relevant dCu exposures (≥ 2.0 $\mu\text{g/L}$; 3 hr exposure). Unexposed juveniles (control treatment) reduced their swimming speed on average by 74% (alarm response) in response to an alarm odor (conspecific skin extract). A reduction in swimming speed is a typical predator avoidance response for salmonids and many other fish. In unexposed fish, the alarm odor elicited a mean EOG response of 1.2 mV. Juvenile coho exposed to 2-20 $\mu\text{g/L}$ copper exhibited measurable reductions in both EOG (50-92%) and alarm response (47 - >100%) [derived from Figure 2 in Sandahl et al., [10]]. Juvenile coho exhibited statistically significant decline in antipredator behavior at 5, 10, and 20 $\mu\text{g/L}$ dCu (Figure 2).

Importantly, no concentrations of dCu below 2 $\mu\text{g/L}$ were tested. This is particularly troubling because all concentrations tested (between 2-20 $\mu\text{g/L}$) significantly affected olfaction e.g. reductions in EOG amplitudes of ~ 50 - 92%. Because individual juvenile coho were significantly affected at the lowest concentration tested (2 $\mu\text{g/L}$), uncertainty remains at what concentrations salmonid olfaction is first impaired. The results of this last study provide evidence that juvenile salmon exposed to sublethal dCu concentrations at 2 $\mu\text{g/L}$ (resulting in approximately 50% reductions in EOG), and likely even lower, might not recognize and respond to a predation event, and therefore have an increased risk of being eaten by other fishes or birds, an event referred to as ecological death [31].

Figure 2. Copper-induced reductions in juvenile salmonid olfactory physiology and behavior are significantly correlated. Fish exposed to dCu (3h) showed reduced olfactory sensitivity and corresponding reduction in predator avoidance behavior. Values represent treatment means (with copper exposure concentration labeled to the right); error bars represent one standard error; n=8-12 individual coho salmon; * represents a statistically significant difference in olfactory response (EOG data) compared to controls (one-way ANOVA with Dunnett post hoc test, $p < 0.05$); † represents statistically significant difference in behavioral response to skin extract (% reduction in swimming) compared to controls (one-way ANOVA with Dunnett post hoc test, $p < 0.05$). The line represents a statistically significant linear regression based on treatment means ($n = 5$; $p < 0.0001$; $r^2 = 0.94$). 1 ppb = 1 $\mu\text{g/l}$. Adapted from Figure 2C Sandahl et al [10].



Typically dCu concentrations in road runoff are well within the range affecting anti predator behavior (3.4 - 64.5 $\mu\text{g/L}$, with a mean of 15.8 $\mu\text{g/L}$ [8]). The length of exposure is also likely to be sufficient, as stormwater runoff durations may range from a few minutes to several hours [5]. Fish may regain their capacity to detect odors fairly quickly in some cases; physiological recovery of olfactory neuron function is dose-dependent and occurs within a few hours at low copper concentrations (i.e., $<25 \mu\text{g/L}$ dCu; [27]). However long-term damage is also documented. In the case of olfactory neuron cell death (i.e. $\geq 25 \mu\text{g/l}$ copper [11, 26]) recovery is on the order of weeks [32] and in some cases months [33].

Interestingly, another fish sensory system, the lateral line, is also sensitive to dCu. It is composed of mechanosensory neurons (hair cells) that collect data from the aquatic environment. Specifically, the neurons detect vibrations and other forms of water movement in the aquatic environment; thereby mediating shoaling, pursuit of prey, predator avoidance, and rheotaxis (flow orientation). In a recent study, dissolved copper (i.e., $\geq 20 \mu\text{g/L}$; 3 hr exposure) killed 20% of zebra fish hair cells [34]. As mentioned earlier, juvenile Chinook olfactory epithelial cells may also be killed by increases in dCu, highlighting the similar sensitivity of olfactory and lateral line receptors to dCu. Consequently, dCu may damage or destroy either or both of these important sensory systems. Currently, we are not aware of any research on the effects of dCu to salmonid lateral lines, although the comparable sensitivities of olfactory and lateral line neurons suggest dCu affects these neurons as well.

In this paper, a benchmark dose (concentration) analysis [35] is applied to recent data from dose-response experiments on juvenile salmonids exposed to dCu [10] to determine the exposure concentrations that may adversely affect salmonid sensory systems. In previous studies, BMCs were determined for olfactory responses, however concomitant behavioral responses were not measured [27, 30]. The BMC analysis conducted herein determined concentrations of dCu that could be expected to affect juvenile salmonid olfaction and, by extension, alarm response behavior involved in predator avoidance.

Application of the benchmark concentration analysis

The benchmark concentration (BMC), also referred to as a Benchmark dose method, has been used since 1995 by agencies such as the Environmental Protection Agency (EPA) to determine No Observable Adverse Effect Level (NOAEL) values. The method statistically fits dose-response data to determine NOAEL values [35]. This is in contrast to other methods (e.g. using an analysis of variance) that rely on finding a No Observable Effect Concentration (NOEC) and Lowest Observable Effect Concentration (LOEC) to establish the NOAEL. Multiple difficulties arising from the traditional approach of selecting a NOAEL from dose-response data were previously identified by EPA. Specific shortcomings associated with traditional methods included: 1) arbitrary selection of a NOAEL based on scientific judgments; 2) experiments involving fewer animals produced higher NOAELs; 3) dose-response slopes were largely ignored; and 4) the NOAEL was limited to the doses tested experimentally [35]. These as well as other concerns with selection of an NOAEL led to the development of an alternative approach, the BMC analysis. The BMC approach uses the complete dose-response dataset to identify a NOAEL, thereby selecting an exposure concentration that may not have been tested experimentally.

The BMC is statistically defined as the lower confidence limit for a dose that produces a predetermined adverse effect relative to controls. This effect is referred to as the benchmark response [BMR]) [35]. Unlike the traditional method of selecting the NOAEL (e.g. establishing a NOEC) the BMC takes into account the full range of dose-response data by fitting it with an appropriate mathematical model. These can be linear,

logarithmic, sigmoidal, etc. The BMR is generally set near the lower limit of responses (e.g. an effect concentration of 10%) that can be measured directly in exposed, or affected, animals.

In the present context, a BMC approach was used to estimate thresholds for dCu's sublethal effects on the chemosensory physiology and predator avoidance behaviors of juvenile coho salmon [10]. An example of this approach is shown in Figure 3. This methodology has been used previously to determine toxicity thresholds in Pacific salmon [27, 30, 36]. The dose-response relationship for copper's effect on the EOG was described by fitting the data with a sigmoid logistic model:

$$y = m/[1+(x/k)^n]$$

where m = maximum EOG amplitude (fixed at the control mean of 1.2 mV)

y = EOG amplitude

x = copper concentration

k = copper concentration at half-maximum EOG amplitude (EC_{50})

n = slope

For this non-linear regression, the average olfactory response of the control fish to a natural odor was used to constrain the maximum odor evoked EOG (m in the above equation). Consequently, the control fish were not used in the regression other than to set m . The regression incorporated the individual response of each exposed fish ($n = 44$ total) rather than the average values for each exposure group. As shown in Figure 3, the sigmoid logistic model was a very good fit for both the sensory and behavioral data ($r^2 = 0.94$; $p < 0.0001$). Benchmark concentrations were then determined based on the concentration at which the estimated curve intersected benchmark responses.

Results of the benchmark concentration analysis

Examples of benchmark concentrations and responses are presented in Figure 3 and Table 2. The EPA methodology recommends using the concentration that represents a 10% reduction in response compared to controls when limited biological effects data are available [37]. This is the BMC_{10} and is synonymous with the concentration producing an effect of 10% (EC_{10}), in this case a 10% reduction in the recorded amplitude of the salmon's chemosensory response (EOG). Since the predicted fish EOG response at the BMC_{10} falls well within the olfactory response of unexposed juveniles i.e. 95% CI (control fish; Figure 3), it is more than likely that this individual response (1.08 mV) at the BMC_{10} (0.18 ug/L) would not be detectable or biologically significant as an adverse response. This highlights that a BMC based purely on a relative departure (e.g. BMC_{10}) may not account for the variability of olfactory responses in unexposed fish.

Other BMCs were derived using statistical criteria to determine benchmark responses. For example, Table 2 shows two BMCs that were determined using the statistical departure of the lower-bound confidence interval (CI) of the control mean (unexposed fish), 1.2 mV (either the 90 or 95% CI). The selection of different CIs results in different BMCs. The CI derived BMCs represent a reasonable estimate of when an individual salmonid is likely to have a significant reduction in olfaction and a concomitant reduction in predator avoidance behavior. The relative departures from controls in Table 2 are equivalent to effective concentrations for olfactory inhibition, i.e. at the lower-bound 90% CI a BMC of 0.59 $\mu\text{g/L}$ equates to a BMC_{24.2}. Said another way, the BMC analysis predicts a substantial 24.2 % reduction in olfaction (i.e. EOG amplitude) at 0.59 $\mu\text{g/L}$ dCu. At the lower-bound 95% CI a 29.2% reduction in olfaction is predicted to occur at 0.79 $\mu\text{g/L}$.

The BMC₅₀ is equivalent to the EC₅₀ for olfactory responses (2.1 $\mu\text{g/L}$) and is very similar to the lowest observable effect concentration (LOEC) of 2 $\mu\text{g/L}$. Since the EC₅₀ approximately equals the LOEC, it is almost certain that effects to juvenile salmonid's olfaction will occur at lower concentrations than those measured. Therefore it is appropriate and useful to apply a BMC analysis to these data to predict effects occurring between 0 and 2 $\mu\text{g/L}$ dCu. The predicted effect thresholds for sensory responses in juvenile coho ranged from 0.18 - 2.1 $\mu\text{g/L}$ which corresponded to reductions in predator avoidance behavior (i.e. reduced alarm response) of 8 - 57%. Comparatively, the other two studies that conducted a BMC approach with salmon olfaction datasets (e.g. EOG measures) estimated dCu BMCs from 3.6 – 10.7 $\mu\text{g/L}$ (BMC₂₀-BMC₅₀) [17] and 2.3 - 3.0 $\mu\text{g/L}$ (BMC₂₅) [15].

Together these three studies highlight that different experimental conditions including age of fish, exposure duration, and experimental background of dCu may influence BMCs. Importantly, of the three experiments that derived BMCs for olfactory impairment, the Sandahl et al [10] (i.e. the data set used in this white paper) empirically linked impaired olfaction to an ecologically relevant behavior i.e. reduced alarm behavior (Figure 2). Therefore, we believe that the dCu BMC analysis in this white paper is the most ecologically relevant of the three studies.

Figure 3. Using a benchmark concentration approach to estimate a threshold for dCu toxicity in the salmonid olfactory system. Filled circles represent treatment means; error bars represent the 95% confidence interval for each mean ($n = 8-12$ individual coho salmon). An asterisk indicates a statistically significant difference in the size of the olfactory response (EOG data) compared to controls (one-way ANOVA with Dunnett post hoc test, $p < 0.05$). The line represents a statistically significant non-linear regression based on individual fish ($n = 44$; $p < 0.0001$; $r^2 = 0.55$). The gray band shows the 95% confidence band for the non-linear regression. The regression used a standard sigmoid function with the maximum constrained to the control mean (1.2 mV; indicated by the upper horizontal dashed line). Therefore, the control fish were not included in the non-linear regression. The lower bound of the 95% confidence interval of the control mean (0.85 mV) is indicated by the lower horizontal dashed line and is an example of a benchmark response (BMR). The large open circle shows where the regression line crosses the BMR and denotes the corresponding benchmark concentration (BMC) which, in this case, is a dCu concentration of 0.79 $\mu\text{g/L}$. Horizontal and vertical lines through the open circle highlight the 95% confidence intervals for the BMC based on the results of the non-linear regression. The small open circle shows where the regression line crosses the BMR (1.08 mV) and denotes the corresponding BMC_{10} (0.18 $\mu\text{g/L}$) at which a 10% reduction in olfactory capacity is expected. Data from Sandahl et al. [10].

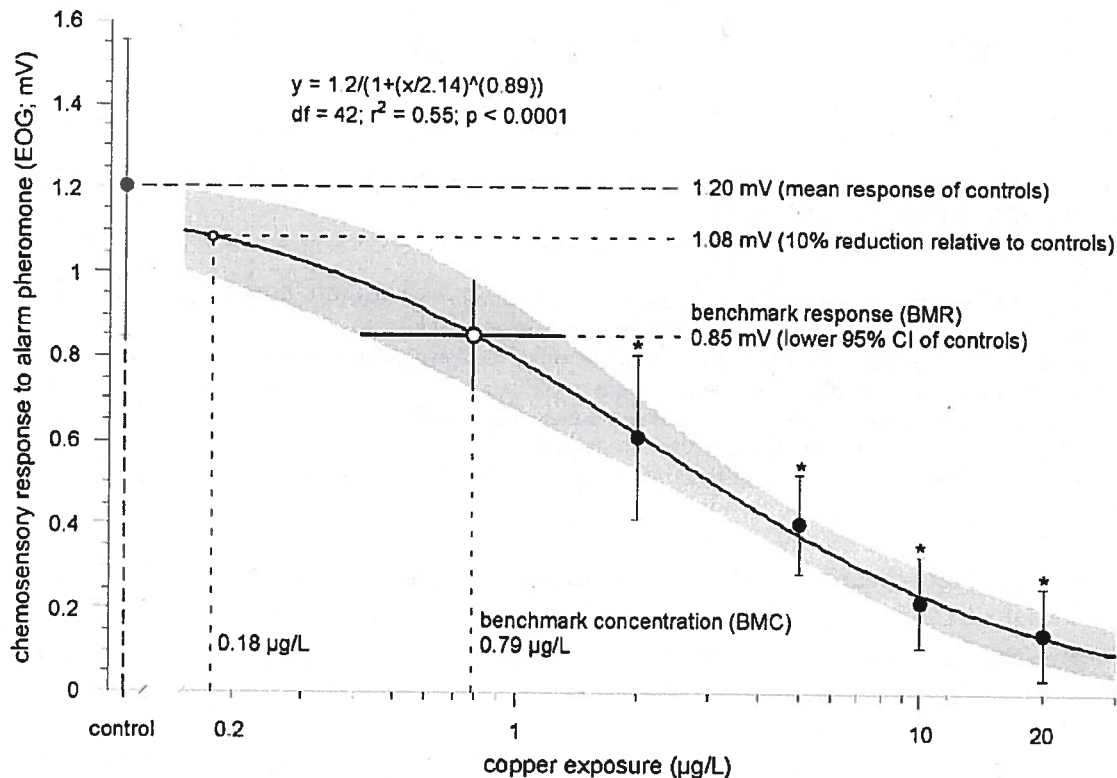


Table 2. Benchmark concentrations and benchmark responses for juvenile salmon exposed to dCu for 3 hr. Response values are a loss of olfactory function, or reduction in a chemosensory response to an alarm pheromone as measured via EOG recordings. Behavioral impairment indicates a predicted decrease in predator recognition and avoidance as indicated by a reduced alarm response. CI = confidence interval; NA = not applicable.

Benchmark Responses ¹		Benchmark Concentrations ²		Behavioral Impairment (predicted) ³
Departure from mean of controls				Departure from mean of controls
Statistical ⁴ (CI of control mean)	Relative ⁵ (% reduction in olfactory response)	Value ⁶ (µg/l)	95% CI ⁷ (µg/l)	Relative ⁸ (% reduction in alarm response)
NA	10.0	0.18	0.06 - 0.52	8.3
Lower 90%	24.2	0.59	0.30 - 1.16	25.6
Lower 95%	29.2	0.79	0.44 - 1.42	31.8
NA	50.0	2.10	1.60 - 2.90	57.2

¹ the predetermined level of altered response or risk at which the benchmark dose (concentration) is calculated (EPA/630/R-94/007; 02/1995)

² the dose (concentration) producing a predetermined, altered response for an effect (EPA/630/R-94/007; 02/1995)

³ based on the linear regression shown in Figure 2; note behavioral responses were determined by inputting the Benchmark response value (EOG, mV) into the regression equation

⁴ location of the value with respect to a confidence interval of the mean of the controls

⁵ amount of reduction in the olfactory response represented by the value relative to the mean of the controls

⁶ corresponding concentration, see Figure 3 and text for calculation method

⁷ confidence interval for the value based on the non-linear regression

⁸ amount of reduction in alarm response represented by the value relative to the mean of the controls

Discussion of site specific considerations for sensory system effects

Below, we identify several issues to consider when applying the benchmark concentrations to real world aquatic ecosystems.

These BMCs reflect expected impairment of chemosensory systems from short term increases of dCu above ambient concentrations.

Specifically, the BMCs are predicated on anthropogenic increases of dCu to salmon habitats. Effects to juvenile salmonid olfaction are expected following a few minutes of exposure. Salmonids are capable of regulating the amount of internal copper via uptake

and elimination processes. These so called homeostatic mechanisms (such as metallothionein induction) can reduce copper's toxic effects and may result in acclimation. Consequently, fish may tolerate certain copper exposures without showing overt toxicological responses, however at higher levels these mechanisms ultimately fail. The BMC examples presented in Table 2 are not expected to be alleviated by juvenile salmonid homeostatic mechanisms. This is supported by the effect concentrations presented in Table 1 and the Appendix.

Although acclimation could theoretically reduce the toxicity of dCu to the salmon olfactory system, initial evidence indicates that this is not likely for pulsed or short term exposures lasting less than a week [11]. For other measures of copper toxicity from long term exposures, evidence suggests that acclimation may not occur (Table 1, Appendix).

~~These BMC examples represent short term increases of dCu above ambient concentrations in surface waters (defined here as $< 3 \mu\text{g/L}$) [10, 27, 30]. It is uncertain whether fish sensory systems acclimated to higher ambient concentrations (i.e. $>3 \mu\text{g/L}$) will respond differently to additional anthropogenic loading, which might then lead to different threshold concentrations for olfaction and behavior.~~

These BMCs reflect the impact of dissolved copper on olfaction and predator avoidance behavior.

In salmonid habitats fish are rarely exposed to dCu only. In fact, exposure to complex mixtures of other toxic compounds (e.g. metals, pesticides, PAHs, etc.) in conjunction with other multiple stressors (e.g. elevated temperatures, low dissolved oxygen, etc.) is the norm. Equally important are exposure routes other than the water column, such as consumption of contaminated prey items (dietary) or contact with contaminated sediments. Threshold examples (BMCs) presented here are based solely on juvenile salmonids exposed to dCu. Presently, these thresholds are uncertain for multiple routes of exposure and complex mixtures of contaminants for olfaction. That being said, several studies demonstrate greater than expected toxicity to other fish endpoints from mixtures of metals [12, 38]. For example, mixtures containing zinc and copper were found to have greater than additive toxicity to a wide variety of aquatic organisms including freshwater fish [9], and other metal mixtures also yielded greater than additive toxic effects at low dissolved metal concentrations [39]. The toxic effects of metals to salmonids are also likely to be exacerbated by poor water quality conditions, including elevated temperatures, low dissolved oxygen, pesticides, and polycyclic aromatic hydrocarbons. While the interactions of multiple stressors and mixtures are beyond the scope of this document, they warrant careful consideration in site specific assessments.

These BMCs were derived from experiments using a single freshwater source (de-chlorinated, soft municipal water). Hardness, alkalinity, and dissolved organic carbon (DOC) are known to alter the bioavailability of dissolved copper in surface waters to the gills of fish. These water chemistry parameters can therefore influence the potential for dCu exposure in the field to cause an acute fish kill. Acute copper lethality via the gill route of exposure is typically estimated using the Biotic Ligand Model (BLM; reviewed by [40]). However, recent unpublished research by McIntyre et al. [41] suggest that these

parameters may have less influence on olfactory responses especially when compared to ambient levels of hardness, alkalinity, and DOC.

The USGS has monitored hardness, alkalinity, and DOC for more than 10 years in many West Coast river basins including the Willamette River Basin, Puget Sound Basin, Yakima River Basin, and the Sacramento-San Joaquin River Basin (National Water Quality Assessment Program [NAWQA]). Several at risk species of anadromous salmonids inhabit these basins. The monitoring data indicate that surface waters within these basins typically have very low hardness and alkalinity and seasonally-affected DOC concentrations. Hardness, alkalinity, and DOC levels found in most freshwater habitats occupied by Pacific salmonids would be unlikely to confer substantial protection against dCu olfactory toxicity [27], [41-43].

Recent experimental results suggest that significant amelioration of olfactory toxicity due to hardness is unlikely in typical Pacific salmonid freshwater habitats. The experiment showed that hardness at 20, 120, and 240 mg/L Ca (experimentally introduced as CaCl_2) did not significantly protect juvenile coho from olfactory toxicity following 30 minute laboratory exposures to 10 μg dCu/L above an experimental background of 3 μg /L [27]. In another experiment, a 20 μg dCu/L exposure (30 minutes) in water with low hardness and alkalinity and no DOC produced an 82% inhibition in juvenile coho olfactory function [41]. A hardness of ≥ 82 mg/L Ca was needed to reduce the level of olfactory inhibition to $\leq 50\%$ at 20 μg /L dCu [41]. However, 82 mg/L was never exceeded in any of the surface water samples from USGS sampled NAWQA basins [41].

Typical alkalinity values from Pacific Northwest and California streams are also unlikely to protect salmonids from olfactory toxicity (NAWQA surface water data). In fact, 0.4% of stream samples contained alkalinity levels sufficient to cut dCu's toxic impact to juvenile salmonids olfactory system in half [41]. Decreases in dCu's olfactory toxicity were obtained with large increases in alkalinity [41]. However, increasing water hardness and alkalinity had some protective effect against the olfactory neurotoxicity of dCu in coho salmon, but the effects were small with olfactory function rising to $\sim 30\%$ of normal (or 15% increase in olfactory function) across the range of average hardness and alkalinity levels in sampled NAWQA basins [41]. Bjerselius et al., [43] and Winberg et al., [42] found that hardness and alkalinity provided limited amelioration of olfactory responses in juvenile Atlantic salmon exposed to dCu.

Increases in DOC showed greater protection to dCu compared to increases in alkalinity and hardness. Twenty-nine percent of USGS surface water samples from West Coast basins had a DOC concentration sufficient to limit olfactory impairment to 50 percent or less at 20 μg dCu /L [41]. However, only 2% of all samples contained a DOC concentration (8 mg/L) sufficient to completely protect the olfactory responses of juvenile coho at 20 μg dCu /L [41]. This information underscores the importance of evaluating site specific DOC data to address its potential influence on olfactory toxicity.

Accordingly, we consider the BMC thresholds presented in this document to be broadly applicable to most Pacific salmonid freshwater environments as typical hardness,

alkalinity, and DOC concentrations are unlikely to confer substantial protection against dCu olfactory toxicity.

Dissolved copper's effect on salmonid olfaction in saltwater environments remains a recognized data gap and it is unclear whether the derived BMC thresholds apply to salt water environments. Estuarine and near shore salt water environments, despite their higher salinity (in part due to increased cation concentrations) and hardness may or may not confer protection against dCu-induced olfactory toxicity. One source of this uncertainty is whether or not free copper (Cu^{2+}) is the sole species of copper responsible for olfactory toxicity. In freshwater, evidence suggests that Cu^{2+} is not the only toxic species that adversely affects olfaction [41] and other fish endpoints including mortality [40]. Other copper species e.g. $\text{CuOH} (\text{Cu}^{1+})$ will also bind to the gill producing copper toxicity [40]. While the physiology of a salmonid's olfaction in freshwater environments is well characterized, it is unclear whether the physiological changes to olfactory systems in estuarine and marine environments alter the toxicity of dCu.

Using the Biotic Ligand Model we calculated an acute Criterion Maximum Concentration (CMC). The United States Environmental Protection Agency (EPA) sets acute water quality criteria by calculating an acute Criterion Maximum Concentration (CMC) [44]. The CMC is an estimate of the highest concentration of a material in surface water to which an aquatic community can be exposed briefly without resulting in an unacceptable effect [45]. We calculated an acute CMC using the Biotic Ligand Model (BLM) [46]. Interestingly, the estimated acute CMC based on the BLM using measured and estimated water quality parameters from Sandahl et. al. [10] was $0.63 \mu\text{g/L}$ with a range from 0.34 to $3.2 \mu\text{g/L}$, while the EPA hardness-based acute CMC [45] was $6.7 \mu\text{g/L}$. Because the BLM-based acute criterion is sensitive to pH and DOC, the range of measured test pH values (6.5 to 7.1) and the range of estimated DOC values (0.3 to 1.5 mg/L) produced this range of BLM-based acute criterion values. It is also interesting that the acute CMC range ($0.34 - 3.2 \text{ ug/L}$) overlapped with the olfactory based BMC range ($0.18 - 2.1 \text{ ug/L}$).

Juvenile salmonids may or may not be able to avoid short term increases in dCu. Salmonids will actively avoid water containing dCu if they can detect it. However, if salmonids avoid optimal rearing and spawning habitats reductions in growth and reproductive success may occur. One study showed that chinook salmon no longer avoided copper following a 20 day exposure at a low, environmentally realistic concentration (2 ug/L) [11]. Since salmonids have the ability to avoid areas with elevated copper, in theory, if these areas were limited and did not interfere with migratory routes, juveniles might simply bypass them. Smith and Bailey [47] and Mebane [13] give examples of deriving regulatory "zones of passage" around wastewater discharges that were based upon salmonid avoidance responses. However, in areas with diffuse, nonpoint source pollution, or multiple point source discharges it may be difficult to determine "zones of passage", or available zones of passage may not even exist. Environmental circumstances may force fish to be exposed to copper they would otherwise detect and avoid, or fish will avoid using important habitats. The "zones of passage" concept would likely not apply to rearing or spawning habitats affected by dCu.

Anthropogenic loading of dCu to surface waters often occurs as stormwater runoff and other types of short term, pulsed inputs lasting a few minutes to hours and in some cases days. In this context, dCu's effect on olfaction manifests in as little as 10 minutes [27]. Recovery of affected olfactory sensory function will require hours to weeks depending on the extent of olfactory damage, which depends on both concentration and duration of exposure [28]. Acute exposure can inhibit olfactory function for months if exposure is sufficient to cause death to sensory neurons (25ug/L [11,26]) [33]. The impacts of copper on fish olfaction will likely be cumulative if full recovery is not achieved between pulses of exposure.

These BMCs were derived using data from juvenile coho salmon.

The examples of BMC thresholds were derived from data based on juvenile Coho salmon (4-5 month old; mean of 0.9 grams [wet weight]). These BMC examples are generally applicable to juvenile salmonids. Three hour exposures of four month old steelhead to a similar range of dCu produced comparable reductions in EOG as seen in four month old coho (Baldwin et al., personal communication). Studies on 10 month old juvenile coho had similar reductions in olfaction compared to 4 month old fish [27, 30]. Juvenile chum salmon (2-3 month old) also showed a dose dependent reduction in EOG amplitude following exposure to dCu (3-58 ug/L) [28]. Taken together these data support applying the BMC threshold examples broadly to juvenile salmonids. While olfaction is certainly critical to all salmonid lifestages, the application of these thresholds to other life stages (i.e. smolts and adults) remains uncertain.

Conclusions

Dissolved copper (dCu) is a ubiquitous, bioavailable pollutant that can directly interfere with fish sensory systems and by extension important behaviors that underlie predator avoidance, juvenile growth, and migratory success (see appendix). Recent research shows that dCu not only impairs sensory neurons in a salmonid's nose, but also impairs juvenile salmonids' ability to detect and respond to predation cues. A juvenile salmonid with disrupted predator avoidance behaviors stands a much greater risk of being eaten and therefore the likelihood of surviving to reproduce is reduced. Whether this individual behavioral effect impacts a given population will depend, in part, on the number of the individuals affected and the status of the population (numbers, distribution, growth rate, etc.).

In this paper, benchmark concentrations (BMC) were calculated using an EPA methodology to provide effect threshold examples for juvenile salmonids' sensory systems. The BMC examples represent the dCu concentration (above background or ambient levels [where background is less than or equal to 3 ug/L]) expected to affect juvenile salmonids' ability to avoid predators in fresh water. Benchmark concentrations ranged from 0.18 – 2.1 µg/L corresponding to reductions in predator avoidance behavior (an alarm response) from approximately 8 – 57%. Taking into account the olfactory responses of unexposed fish (e.g. control treatment), a more biologically relevant range

of BMCs is 0.59 – 2.1 ug/L (Table 2). This second range of BMC thresholds for juvenile salmonid sensory and behavioral responses is similar to or slightly less than documented effect concentrations to other copper-affected sublethal endpoints such as behavior, and growth., 0.75 - 2.5 µg/L. These levels may also affect other organisms in the ecosystem upon which salmonids depend, for feeding and sheltering (Table 1 and Appendix).

The primary objective of this paper was to present examples of threshold concentrations for effects of dCu on a critical aspect of salmonid biology, olfaction. A secondary objective of this paper was to summarize a selection of recent and historical information related to the effects of dCu on salmonid sensory systems. Importantly, this overview is not a comprehensive summary of the myriad effects of copper to anadromous salmonids. However, several conclusions were made based on the studies reviewed thus far and in the appendix concerning juvenile salmonids. First, salmonid's and other fish's behavior can be disrupted at dCu concentrations in the low ppb range. Second, reduced growth and impaired swimming performance resulted following dCu exposures as discussed in the appendix. These effects may result in increased susceptibility to predation and may result in population level consequences. Third, in some freshwater systems it is likely that acute toxicity occurs from brief pulses of elevated dCu concentrations.

Taken together, the information reviewed and presented herein indicates that significant impairment of sensory functions important to survival of threatened and endangered juvenile salmonids is likely to be widespread in many freshwater aquatic habitats. Impairment of these essential behaviors may occur following ten minutes of exposure and continue for hours to weeks depending on concentration and duration. Due to these acute, sublethal responses i.e. within minutes, avoidance or acclimation are unlikely to reduce the effects of short term anthropogenic increases of dCu to juvenile salmonids.

It remains uncertain how and to what degree these short term dCu exposures of juvenile salmonids affect salmonid populations. What is certain is that salmonids use their sense of smell to avoid predation events, participate in reproduction, migrate, avoid poor water quality, and feed. Each of these olfactory-mediated behaviors is important for successful lifecycle completion.

This technical white paper is a summary and targeted synthesis regarding sensory effects to juvenile salmonids from low-level exposures to dissolved copper (dCu). As such, the material presented in this paper serves to summarize research on dCu and its impacts on salmonid sensory systems. This document is a snap shot of the existing information; undoubtedly, new information will become available that enhances our understanding of copper's effect on salmonid populations and their supporting habitat.

Appendix:
Other salmonid sensory effects of dissolved copper

In this appendix, results are highlighted from several studies that we thought were particularly relevant, including comparing the concentrations that have caused sensory effects to concentrations causing lethality or growth reductions in field and laboratory experiments. As such, the following review is not an exhaustive summary of copper's adverse effects to anadromous salmonids. We emphasize studies that were conducted in waters with low alkalinity and hardness (< 50 mg/L as calcium carbonate), and if reported, low concentrations of dissolved organic material. These conditions were emphasized since we believe these are the most relevant water quality conditions for an area of particular concern to us – freshwater habitats used by juvenile salmonids in the Pacific Northwest and California, USA.

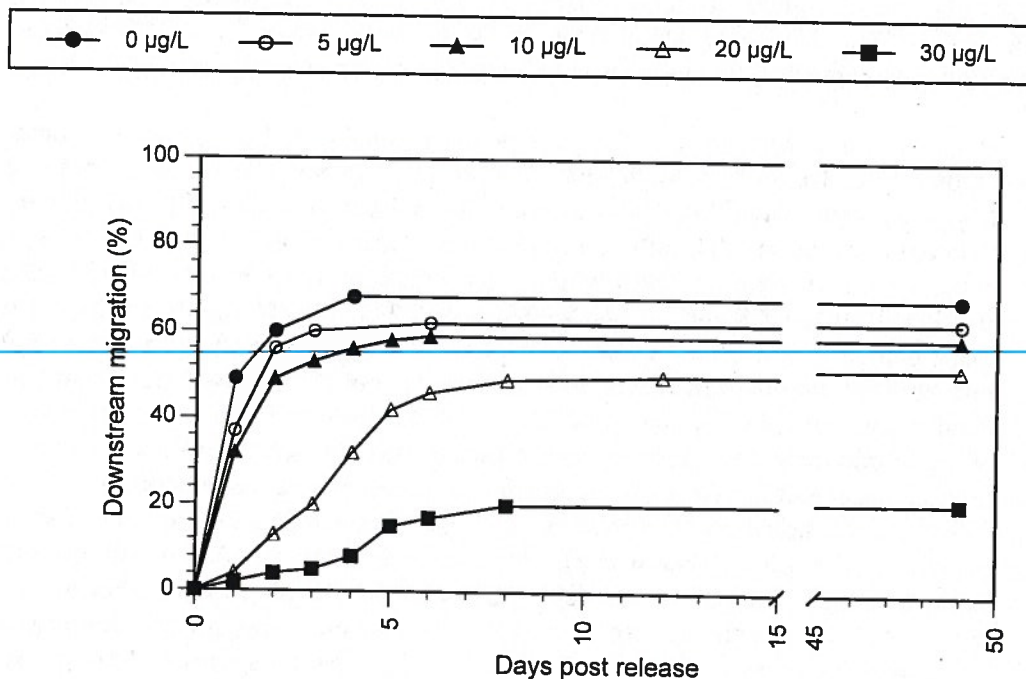
Migratory disruption

Laboratory and field experiments with salmonids have shown avoidance of low concentrations of copper, disruption of downstream migration by juvenile salmonids, loss of homing ability, and loss of avoidance response to even acutely lethal concentrations of copper follow long term habituation to low level copper exposure. Saucier et al. [16] examined the impact of a long-term sublethal copper exposure (22 $\mu\text{g/L}$; 37-41 weeks in duration) on the olfactory discrimination performance in rainbow trout. When controls were given a choice between their own rearing water or other waters, they significantly preferred their own rearing water, whereas both copper-exposed groups showed no preference. They concluded that their results demonstrate that a long-term sublethal exposure to copper, as it commonly occurs under "natural" conditions, may result in olfactory dysfunction with potential impacts on fish survival and reproduction.

Field studies have reported that copper impairs both upstream spawning migration of salmonids and downstream out migration of juveniles. Avoidance of copper in the wild has been demonstrated to delay upstream passage of Atlantic salmon moving past copper-contaminated reaches of the river to their upstream spawning grounds, unnatural downstream movement by adults away from the spawning grounds, and by increased straying from their contaminated home stream into uncontaminated tributaries. Avoidance thresholds in the wild of 0.35 to 0.43 toxic units were about 7-times higher than laboratory avoidance thresholds (0.05 toxic units) perhaps because the laboratory tests used juvenile fish rather than more motivated spawning adults. For this study 1.0 toxic unit was defined as an incipient lethal level, ILL (essentially a time independent LC_{50}), of 48 $\mu\text{g/l}$ in soft water [12, 48]. Studies of home-water selection with returning adult salmon showed that addition of 44 $\mu\text{g/l}$ copper to their home-water reduced the selection of their home stream by 90% [49]. Releases of about 20 $\mu\text{g/l}$ from a mine drainage into a salmon spawning river resulted in 10 - 22% repulsion of ascending salmon during four consecutive years compared to 1- 2% prior to mining [49]. The upstream spawning migration of Chinook salmon in Panther Creek, Idaho may have been interrupted during the 1980s and early 1990s when the fish encountered dCu concentrations of 10- 25 $\mu\text{g/l}$. In Panther Creek, the majority of spawning habitat and historical locations of Chinook spawning were high in the watershed, upstream of copper discharges. However, Chinook were only observed spawning below the first major diluting tributary, a point above which copper concentrations averaged about 10- 25 $\mu\text{g/l}$ during the times of the spawning observations [13, 50].

Sublethal copper exposure has been shown to interfere with the downstream migration to the ocean of yearling coho salmon. Lorz and McPherson [14, 15] and Lorz et al. [51] evaluated the effects of copper exposure on salmon smolts' downstream migration success in a series of 14 field experiments. Lorz and McPherson [14, 15] exposed yearling coho salmon for six to 165 days to nominal copper concentrations varying from 0 - 30 $\mu\text{g/l}$. They then marked and released the fish during the normal coho migration period and monitored downstream migration success. The fish were released simultaneously, allowing for evaluation of both copper exposure concentrations and exposure duration on migration success. All dCu exposures resulted in reduction of migration compared with unexposed control fish. Migration success decreased with both increasing copper concentrations and increased exposure time for each respective concentration. Exposure to 30 $\mu\text{g/l}$ dCu for as little as 72 hours caused a considerable reduction in migration (~60%) compared to control fish. The reductions in migration following short-term exposures to dCu are illustrated in Figure 4, which was re-drawn from Lorz and McPherson [14]. Following exposure to 30 $\mu\text{g/L}$ dCu, 80% of coho did not reach the migratory point in 49 days. These concentrations (5-20 $\mu\text{g/L}$) were one-tenth to one-third the 96-hour LC_{50} for the same stock of juvenile coho salmon in the same water. Lorz et al. [51] further tested downstream migration with yearling coho salmon previously exposed to copper, cadmium, copper-cadmium mixtures, zinc, and copper-zinc mixtures. Copper concentrations in all tests were held at 10 $\mu\text{g/l}$. In all cases, the copper exposed fish again had poorer migratory success than did controls. The other metals did not show the dose-dependent result found for copper. These studies suggest that exposure to copper concentrations at levels found in streams subject to nonpoint copper pollution may impair downstream migration, a result of direct and indirect effects to salmon smolts, including reproductive success.

Figure 4. Reduction in downstream migration of yearling coho salmon following 6-days exposure to copper at various concentrations. Redrawn from Lorz and McPherson [14], their figure 19.



Laboratory avoidance studies

Studies have shown that salmonids can detect and avoid copper at low concentrations when tested in troughs or streams that allow them to choose between concentration gradients. To our knowledge, the lowest copper concentration reported to cause avoidance in laboratory conditions was $0.1 \mu\text{g/L}$ [52]. However, these results may have low applicability to ambient conditions because copper exposure concentrations were not analytically verified. Avoidance thresholds of $2 \mu\text{g/l}$ copper have been reported for Atlantic salmon (*Salmo salar*), concentrations that are less than one-tenth of acute LC50 values [48]. Giattina et al. [53] reported that rainbow trout appeared to detect copper concentrations down to 1.4 to $2.7 \mu\text{g/L}$, because declines in residence time started to occur at these lower concentrations. However, the responses were only statistically significant at 4.4 to $6.4 \mu\text{g/l}$ depending on whether fish were exposed to a gradually increasing or abruptly increasing concentration gradient respectively. At exposure to extremely high dCu levels e.g. 330 - $390 \mu\text{g/L}$, trout showed diminished avoidance and sometimes attraction to acutely lethal concentrations [11,53,54].

Chapman [54] reported that long-term sublethal copper exposures had impaired the avoidance performance of salmonids. Steelhead trout, acclimated to low copper levels by surviving about three-months early life stage toxicity testing, subsequently failed to avoid much higher, acutely lethal concentrations. Following about three-month continuous

exposure to 9 µg/l copper (from fertilization to about 1-month after swim up) the copper-acclimated fish and control fish with no previous copper exposure were exposed to a range of copper concentrations from 10 to 80 µg/l in avoidance-preference testing. The tests used the same counter flow avoidance-preference test chambers described by Giattina et al. [53]. The acclimated trout failed to avoid even the highest copper concentrations while most of the unexposed fish avoided all concentrations.

Hansen et al. [11] and Marr et al. [55] conducted a variety of behavioral and other toxicity studies with Chinook salmon and rainbow trout exposed to copper. In these studies they used well water that was diluted with deionized water and spiked with copper to obtain a hardness, alkalinity, and pH that simulated those in Panther Creek, a mine-affected stream in Idaho. The avoidance response of the Chinook salmon was statistically significant for 0.8 and 2.8 -22.5 µg/L copper but was not significant for a 1.6 µg/L copper treatment. Since the avoidance responses (percent time spent in test water) were similar between the 0.8, 1.6, and 3 µg/L treatments, but the 1.6 µg/L treatment had fewer replicates than the other treatments (10 vs. 20), the lack of statistical significance for the 1.6 µg/L treatment was probably an artifact of the different sample sizes than a true lack of response. Rainbow trout consistently avoided copper at concentrations of 1.6 µg/L and above. To simulate avoidance responses that might result upon exposing fish to background levels of copper, Hansen et al. [11] acclimated both Chinook salmon and rainbow trout to 2 µg/L copper for 25 days, and repeated the avoidance experiments. They observed that the avoidance response of Chinook salmon was greatly dampened such that no copper treatments resulted in statistically significant responses. In contrast, the avoidance response of rainbow trout was unaffected by the acclimation. This dramatic difference between Chinook salmon and rainbow trout avoidance was so unexpected that Hansen et al. [11] ran a second set of experiments that yielded the same results. Background dCu concentrations (<4 µg/L) are commonly observed in natural waterways, yet Chinook salmon failed to avoid any higher dCu concentrations following an acclimation to a nominal 2 µg dCu/L. Importantly, if Chinook salmon will not avoid any dCu concentrations following acclimation to low dCu concentrations, the behavioral defense against chronic and acute exposures to dCu is lost, and high mortality or chronic physiological effects are probable if subsequent higher levels of dCu exposure occur. Unlike Chinook salmon, dCu-acclimated rainbow trout preferred clean water and avoided higher dCu concentrations. Other differences between Chinook salmon and rainbow trout avoidance responses to copper were that addition of 4 and 8 mg/L dissolved organic carbon (DOC) did not appreciably affect the avoidance response of Chinook salmon to copper, nor did altering pH across a range of 6.5 to 8.5. In contrast, the addition of DOC (4 and 8 mg/L) did reduce the avoidance response of rainbow trout to copper. Although variable, avoidance responses of rainbow trout were slightly stronger at pH 7.5 and 8.5 than at 6.5 [55].

A further repeated finding from these laboratory avoidance tests was that although rainbow trout, steelhead, and Chinook salmon avoided low concentrations of dCu, they were apparently intoxicated and sometimes attracted to very high concentrations [11, 53, 54]. The direct relevance of laboratory avoidance studies to the behaviors of fish in the wild is debatable since in natural waters fish likely select and move among habitats based

on myriad reasons such as access to prey, shelter from predators, shade, velocity, temperature, and interactions with other fish. In contrast, laboratory preference/avoidance tests are commonly conducted under simple, highly artificial conditions to eliminate or minimize confounding variables other than the water characteristic of interest. Laboratory tests may overestimate the actual protection this behavior provides fish in heterogeneous, natural environments [56-58].

However, at least one study suggested that experimental avoidance responses observed with salmonids are relevant to fish behaviors in the wild. From 1980-1982, sub-lethal levels of a contaminant (fluoride) from an aluminum mill at the John Day Dam on the Columbia River were associated with a significant delay in salmon passage and decreased survival [59]. Salmon took an average of 36 hours to pass up the fish ladder at the Bonneville and McNary dams compared to 157 hours delay at the John Day Dam. ~~Greater than 50% mortality occurred between the Bonneville and McNary dams (above and below the John Day dam),~~ compared to about 2% mortality associated with the other dams. Damkaer and Dey [59] introduced similar levels of the contaminant in streamside test-flumes alongside a salmon spawning stream (Big Beef Creek, Washington). Significant numbers of adult Chinook salmon failed to move out of their holding area and continue upstream; those that did move upstream chose the non-contaminated side of the flume. By adjusting the dose, Damkaer and Dey [59] predicted a threshold detection limit for avoidance by salmon. The mill subsequently reduced its release of the contaminant to below these experimental threshold levels that did not show a response in the streamside tests. Afterwards, fish passage delays and salmon mortality between the dams decreased to 28 hours and <5%, respectively [59]. This study suggested that the delay due to avoidance of a chemical affected the spawning success of migrating adult salmonids. These results are also consistent with the field studies of salmon migration in copper-contaminated streams and from laboratory avoidance/preference testing. Experimental avoidance/preference testing thus appears to be relevant to fish behavior in nature.

Other adverse effects

The focus of this literature synthesis is sensory effects of copper on juvenile salmonids. However, other adverse effects of copper to salmonids reported in the literature include weakened immune function and disease resistance, increased susceptibility to stress, liver damage, reduced growth, impaired swimming performance, weakened eggshells, and direct mortality [19, 20, 60-66]. While a comprehensive review of other adverse effects of copper on fish is beyond the scope of this synthesis, we discuss several studies of interest below.

Stevens [65] reported that pre-exposure to sublethal levels of dCu interfered with the immune response and reduced the disease resistance in yearling coho salmon. Juvenile coho salmon were vaccinated with the bacterial pathogen *Vibrio anguillarum* prior to copper exposure to investigate the effects of copper upon the immune response and survival. Following copper exposure (9.6 - 40 µg/L), surviving juveniles were

challenged under natural conditions to *V. anguillarum*, the causative agent of vibriosis in fish. Vibriosis is a disease commonly found in wild and captive fish from marine environments and has caused deaths of coho and Chinook salmon. Coho were exposed to constant concentrations of dCu for about one month at levels that covered the range from no effect to causing 100% mortality, 9.6 - 40 µg/L. The antibody titer level against *V. anguillarum* was significantly reduced in fish exposed to 13.9 µg/L of dCu when compared to that developed in control fish. The survivors of the dCu bioassays were then exposed in saltwater holding ponds for an additional 24 days to the *V. anguillarum* pathogen. The unvaccinated, non-dCu exposed control fish had 100% mortality and the vaccinated, non-dCu exposed fish had the lowest mortality. The vaccinated, dCu-exposed fish had increasing mortality corresponding to the lower antibody titer levels which in turn corresponded to the increasing dCu exposure levels. Therefore, dCu exposure can significantly reduce a fish's immune function and disease resistance at concentrations as low as 13.9 µg/L following 30 days of exposure [65].

Schreck and Lorz [60] studied the effects of copper exposure to stress resistance in yearling coho salmon. Fish that were exposed for 7 days to 15 µg/L dCu and unexposed control fish were subjected to severe handling and confinement stress. Copper-exposed fish survived this additional stress for a median of 12-15 hours while control fish experienced no mortality at 36 hours. Schreck and Lorz concluded that exposure to copper placed a sublethal stress on the fish which made them more vulnerable to handling and saltwater adaptation. Further, they hypothesized that dCu exposure may make salmonids more vulnerable to secondary stresses such as disease and pursuit by predators.

Exposure of brook trout eggs to 17.4 µg dCu/L for 90 days resulted in weakened chorions (eggshells) and embryo deformities. After hatching, poor yolk utilization and reduced growth were demonstrated. These overall weakened conditions may reduce survival chances in the wild [67, 68]. Copper accumulation in the liver of rainbow trout caused degeneration of liver hepatocytes, which resulted in reduced ability to metabolize food, reduced growth, or eventual death [17, 63, 69]. Waiwood and Beamish [61], Chapman [19], Seim et al. [70], McKim and Benoit [62], and Marr [20] have also observed reduced growth of salmonids in response to chronic copper exposures as low as 1.9 µg/L. Waiwood and Beamish [66] reported that rainbow trout exposed to copper levels had reduced swimming performance (10, 15, 20, 30 µg/L dCu) and reduced oxygen consumption (25, 40 µg/L dCu) apparently due to gill damage and decreased efficiency of gas exchange.

In sum, there is a large body of literature showing that behavior of salmonids and other fishes can be disrupted at concentrations of dCu that are only slightly elevated above background concentrations. Further, dCu stress has been shown to increase the cost of maintenance to fish and to limit oxygen consumption and food metabolism. Reduced growth may result in increased susceptibility to predation, and impaired swimming ability may result in reduced escape reaction and prey hunting, with a possible consequence of reduced survival at the population level. We summarize selected examples of effect concentrations reported with copper for several different types of effects in Table 2. In general, typical copper exposures probably do not kill juvenile salmonids directly until

concentrations greater than about 10 times that of sensory thresholds, and then only if the concentrations are sustained for at least several hours. In selecting these examples, we sought to list representative effects and concentrations rather than extreme values that could be gleaned from the literature. However, the selected examples do not constitute an exhaustive review of the effects of copper to fish; more general reviews of effects of copper to fish and other aquatic organisms are available elsewhere [9, 17, 46, 71].

Acknowledgement:

We thank Jim Meador, Lyndall Johnson, and Karen Peck for insightful and critical reviews of prior versions of this manuscript. We also thank Jennifer McIntyre, Neil Rickard and Scott Anderson for fruitful discussions.

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NMFS Stormwater Quality Performance Standards

- No net increase in annual loading of stormwater pollutants (i.e. TSS, total and dissolved Cu and Zn).

Guidance: This can be accomplished by retrofitting approximately 3 to 4 times as much existing impervious surface (IS) as the proposed new IS.

- Pollutant concentrations below the biological effects thresholds:
 - Dissolved Cu: 2.0 micrograms per liter ($\mu\text{g/L}$), (Sandahl et al. 2007) over background levels of 3.0 $\mu\text{g/L}$ or less (Baldwin et al. 2003).
 - Dissolved Zn: 5.6 $\mu\text{g/L}$ over background zinc concentrations between 3.0 $\mu\text{g/L}$ and 13 $\mu\text{g/L}$ (Sprague 1968).

Guidance: This can be accomplished by infiltrating or dispersing the majority of the treated stormwater such that the volume and frequency of discharges affects only a few feet of in-water habitat in the vicinity of the point of discharge. This must be demonstrated via dilution analysis utilizing flow and discharge assumptions that are conservative for listed fish.

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EXHIBIT 105

Shana Crick

From: Bharat Shyam [bharat_shyam@hotmail.com]
Sent: Thursday, January 16, 2014 12:39 PM
To: Shana Crick
Subject: Traffic & Pedestrian Safety Feedback to Planning Commission: Coval Property

Follow Up Flag: Follow up
Flag Status: Flagged

Shana:

I am a resident of Mercer Island.

I would like to thank the staff and members of the Planning Commission for their service to the city.

I'd like to submit feedback about traffic safety in the neighborhood in and around Snake Hill Road/84th Ave SE near the Coval property.

There are many children and older people who live in this neighborhood. We like to walk around in the neighborhood, to the library, PEAK and to downtown Mercer Island.

However, for a variety of reasons listed below, the neighborhood has become unsafe for walking and the traffic on 84th Avenue and 86th Avenue are particularly bad.

We believe that adding 18 houses on 84th Ave/Snake Hill Road will make it much worse.

Already people from all around the island use this neighborhood as a short cut between the freeway and PEAK, the library and the high school and travel at high speeds of up to 50 mph on 84th and 86th.

In addition, there is a tremendous amount of overflow traffic when I-90 and NE 40th are clogged.

There have been accidents along this neighborhood including at the intersection of SE 39th St and Island Crest Way, SE 32nd Street & Island Crest way and SE 28th St in recent days.

In the words of the Planning Commission Chair during the public meeting on January 15th, Adam Cooper *"I have used this neighborhood and 84th Avenue (as an arterial) since I began driving in 1984"*.

As the density on the North End has increased and as we add on more amenities at the mega block south of 40th St, this usage has increased and safety problems have increased.

We would like to reclaim the neighborhood and make it pedestrian friendly for retired people, kids, dog walkers, joggers, bikers and everyone else and have automobiles traverse our neighborhood at slow and respectful speeds. Accordingly we urge you to consider the following recommendations to the City Council and use your judgment in determining which of these should be the responsibility of the Coval Developer and which should be handled directly by the city.

- A permanent sign that measures and displays the speed of the vehicle and the speed limit – like on the road near the middle school & Lakeridge on 84th Ave.
- A walking path - made of gravel or a sidewalk connecting Upper Luther Burbank and Clise Park and on 86th
- Better street lighting along 84th Ave SE
- Solar lighting along the main trail of Upper Luther Burbank for night walkers
- Speed mitigation on 84th Ave SE and 86th Ave SE including
 - Speed Bumps
 - Rounabouts or Semi Roundabouts like on SE 63rd St as you turn right off Island Crest Way heading south
- Make the pedestrian crossing at SE 32nd and Island Crest way at least as safe as the pedestrian crossings near Island Park. There are many apartments and condos here already and the Coval property will simply add more traffic and this is by far the most dangerous pedestrian crossing on Mercer Island.
- Create and maintain a natural park at the clearing at the top of Upper Luther Burbank with native plants and picnic benches – there is no neighborhood park in this neighborhood and the model we'd like to suggest is to

have one similar to first hill park that can serve as a focal point for kids, older people and neighborhood gatherings.

Please enter this email into the official record.

Sincerely

Bharat Shyam

Ph: 206 275 3059

8405 SE 34th PI

EXHIBIT 106

EXHIBIT 106

Project Nos.: SUB13-009/SEP13-031

Project Name: Coval Preliminary Long Plat

Project Address: 3051 84th Avenue SE

Shana Crick

From: Hardie Cobbs [cobbsclan@gmail.com]
Sent: Thursday, January 16, 2014 1:58 PM
To: Shana Crick
Subject: Coval Property

Follow Up Flag: Follow up
Flag Status: Flagged

Shana:

I am a resident of Mercer Island.

I would like to thank the staff and members of the Planning Commission for their service to the city.

I'd like to submit feedback about traffic safety in the neighborhood in and around Snake Hill Road/84th Ave SE near the Coval property.

There are many children and older people who live in this neighborhood. We like to walk around in the neighborhood, to the library, PEAK and to downtown Mercer Island.

However, for a variety of reasons listed below, the neighborhood has become unsafe for walking and the traffic on 84th Avenue and 86th Avenue are particularly bad.

We believe that adding 18 houses on 84th Ave/Snake Hill Road will make it much worse.

Already people from all around the island use this neighborhood as a short cut between the freeway and PEAK, the library and the high school and travel at high speeds of up to 50 mph on 84th and 86th.

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There have been accidents along this neighborhood including at the intersection of SE 39th St and Island Crest Way, SE 32nd Street & Island Crest way and SE 28th St in recent days.

In the words of the Planning Commission Chair during the public meeting on January 15th, Adam Cooper "I have used this neighborhood and 84th Avenue (as an arterial) since I began driving in 1984".

As the density on the North End has increased and as we add on more amenities at the mega block south of 40th St, this usage has increased and safety problems have increased.

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- Create and maintain a natural park at the clearing at the top of Upper Luther Burbank with native plants and picnic benches – there is no neighborhood park in this neighborhood and the model we'd like to suggest is to have one similar to first hill park that can serve as a focal point for kids, older people and neighborhood gatherings.

Please enter this email into the official record.

Sincerely
Hardie Cobbs
8225 SE 30th place
4154122886

EXHIBIT 107

EXHIBIT 107

Project Nos.: SUB13-009/SEP13-031

Project Name: Coval Preliminary Long Plat

Project Address: 3051 84th Avenue SE

Shana Crick

From: Pei-Hwa Lin [peihwal@comcast.net]
Sent: Thursday, January 16, 2014 2:14 PM
To: Shana Crick
Subject: Traffic & Pedestrian Safety Feedback to Planning Commission: Coval Property

Follow Up Flag: Follow up
Flag Status: Flagged

Shana:

I am a resident of Mercer Island.

I would like to thank the staff and members of the Planning Commission for their service to the city.

I'd like to submit feedback about traffic safety in the neighborhood in and around Snake Hill Road/84th Ave SE near the Coval property.

There are many children and older people who live in this neighborhood. We like to walk around in the neighborhood, to the library, PEAK and to downtown Mercer Island.

However, for a variety of reasons listed below, the neighborhood has become unsafe for walking and the traffic on 84th Avenue and 86th Avenue are particularly bad.

We believe that adding 18 houses on 84th Ave/Snake Hill Road will make it much worse.

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In addition, there is a tremendous amount of overflow traffic when I-90 and NE 40th are clogged.

There have been accidents along this neighborhood including at the intersection of SE 39th St and Island Crest Way, SE 32nd Street & Island Crest way and SE 28th St in recent days.

In the words of the Planning Commission Chair during the public meeting on January 15th, Adam Cooper "*I have used this neighborhood and 84th Avenue (as an arterial) since I began driving in 1984*".

As the density on the North End has increased and as we add on more amenities at the mega block south of 40th St, this usage has increased and safety problems have increased.

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have one similar to first hill park that can serve as a focal point for kids, older people and neighborhood gatherings.

Please enter this email into the official record.

Sincerely

Pei-Hwa Lin

Phone : 206-275-3365

Address 2901 84th Ave SE

-

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家庭是永久的學校，父母是終生的老師。

~摘錄自證嚴上人靜思語~

The family is an everlasting school; parents are lifetime teachers.

- Jing-Si Aphorism by Master Cheng-Yen -

EXHIBIT 108

EXHIBIT 108

Project Nos.: SUB13-009/SEP13-031

Project Name: Coval Preliminary Long Plat

Project Address: 3051 84th Avenue SE

Shana Crick

From: Liz Butowicz [lizbu@msn.com]
Sent: Thursday, January 16, 2014 2:16 PM
To: Shana Crick
Subject: Traffic & Pedestrian Safety Feedback to Planning Commission: Coval Property

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Shana –

I am a resident of Mercer Island and I would like to thank the staff and members of the Planning Commission for their service to the city.

I'd like to submit feedback about traffic safety in the neighborhood in and around Snake Hill Road/84th Ave SE near the Coval property.

There are many children and older people who live in our neighborhood. We like to walk around in the neighborhood, to the library, PEAK and to downtown Mercer Island. However, for a variety of reasons listed below, the neighborhood has become unsafe for walking and the traffic on 84th Avenue and 86th Avenue are particularly bad. We believe that adding 18 houses on 84th Ave/Snake Hill Road will make it much worse.

Already people from all around the island use this neighborhood as a short cut between the freeway and PEAK, the library, and the high school and travel at high speeds of up to 50 mph on 84th and 86th. In addition, there is a tremendous amount of overflow traffic when I-90 and NE 40th are clogged.

There have been accidents along this neighborhood including at the intersection of SE 39th St and Island Crest Way, SE 32nd Street & Island Crest way and SE 28th St in recent days.

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It is essential for to make the neighborhood pedestrian friendly for retired people, kids, dog walkers, joggers, bikers and everyone else, and have automobiles traverse our neighborhood at slow and respectful speeds.

Accordingly we urge you to consider the following recommendations to the City Council and use your judgment in determining which of these should be the responsibility of the Coval Developer and which should be handled directly by the city.

- A permanent sign that measures and displays the speed of the vehicle and the speed limit – like on the road near the middle school & Lakeridge on 84th Ave.
- A walking path - made of gravel or a sidewalk connecting Upper Luther Burbank and Clise Park and on 86th
- Better street lighting along 84th Ave SE
- Solar lighting along the main trail of Upper Luther Burbank for night walkers
- Speed mitigation on 84th Ave SE and 86th Ave SE including
 - Speed Bumps

- Roundabouts or Semi Roundabouts like on SE 63rd St as you turn right off Island Crest Way heading south
- Make the pedestrian crossing at SE 32nd and Island Crest way at least as safe as the pedestrian crossings near Island Park. There are many apartments and condos here already and the Coval property will simply add more traffic and this is by far the most dangerous pedestrian crossing on Mercer Island.
- Create and maintain a natural park at the clearing at the top of Upper Luther Burbank with native plants and picnic benches – there is no neighborhood park in this neighborhood and the model we'd like to suggest is to have one similar to first hill park that can serve as a focal point for kids, older people and neighborhood gatherings.

Please enter this email into the official record.

Sincerely,
Elizabeth C. Butowicz
8355 SE 34th Street
206-232-0513

EXHIBIT 109

EXHIBIT 109

Project Nos.: SUB13-009/SEP13-031

Project Name: Coval Preliminary Long Plat

Project Address: 3051 84th Avenue SE

Shana Crick

From: Janet Mead [janetmead.cbbain@gmail.com]
Sent: Thursday, January 16, 2014 2:45 PM
To: Shana Crick
Subject: Coval Property comments and safety concerns

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Shana,

I am a resident of Mercer Island and attended the planning commission meeting last night. Our property abuts the Coval property to the north.

I would like to thank the staff and members of the Planning Commission for their service to the city. We very much appreciate the time and effort you have already put into this planning process. I'm sure it's not easy.

First I'd like to submit feedback about traffic safety in the neighborhood in and around Snake Hill Road/84th Ave SE near the Coval property.

One of the reasons we chose to live on the north end of the Island was our ability to walk to and from the town center. When my sons were in High School at MIHS, they often walked to and from school, to and from the PEAK, to the library, the Mary Waite pool, etc. Additionally, my sons and their friends used 84th Ave SE to walk from MIHS to the town center for breaks and lunch. Once they learned to drive, my kids and their friends would use the popular 84th Ave SE "short cut" to get more quickly downtown. Until we lived here, we had no idea how often 84th Ave gets used by pedestrians and drivers who don't even live in the area. Clearly, based on the narrowness of 84th, the lack of sidewalks or shoulders, and the lack of lighting on the street, the city hadn't expected 84th to become such an important arterial road for so many Islanders and off-Islanders.

Additionally, every single day...regardless of the weather...we ALWAYS see kids of all ages, adults, families, etc. walking the length of 84th at the narrow end (just south of the Coval property to the curve at Snake Hill) walking, riding their bikes, riding skateboards and jogging (with headphones!) down this narrow and busy street. Whether they are out for a stroll, some exercise, or are trying to be more ecologically sensitive by walking instead of driving to the town center, the library, the schools, etc....one thing is absolutely clear to me...safety considerations on 84th have not been a concern for the city. Or at least not enough to do anything about it.

While I am not thrilled with the conditions on 84th, I have been willing to tolerate it. But the idea of adding 18 new family homes...with that many more kids, adults, dog walkers, bikes, walkers, joggers, cars...without addressing the safety hazards on 84th...seems absolutely ludicrous to me. Do you know what a glass of water looks like when you fill it all the way to the top...to where it is NEARLY overflowing, but the water doesn't spill over and instead kind of rounds itself at the top? And then you add just one more drop of water and it all spills over the side?? The dense development of the Coval property will not just be that extra drop of water...it will be a flood of new traffic and our safety will be exponentially compromised.

Drivers from all around the island use this neighborhood as a short cut between the freeway and PEAK, the library and the high school and travel at high speeds of up to 50 mph on 84th and 86th. When SE 40th and Island Crest is backed up (especially at rush hour), there is a tremendous amount of overflow traffic that comes down 84th. And of course, with this added traffic at the evening rush hour...when it's dark outside...is a popular time for kids to come home for dinner, people taking their dogs outside for walks after work, etc. Once again, the idea that this development of 18 homes would add only 17 additional trips on 84th is CRAZY! Mercer Island is a town with a tremendous number of stay at home parents, caregivers/nannys, and folks working out of their home offices. How many of those people are going to only take one trip from their home every day. REALLY????

And I am bracing myself for the hazards we and our children will be exposed to once large construction equipment is added into the mix, subcontractors and workers are racing to get to their jobs, and all of the drivers who will be visiting the property during the construction process. 84th Ave SE and snake hill (@SE 28th) is going to become a nightmare. What kind of liability will the city be exposing itself to with this "accident waiting to happen?"

I don't pretend to have all the answers. I wish the Coval property could stay as it is. But I understand that development is a likely result here. I simply want the city to act in a responsible, sensitive, and careful way. I think reducing the developer's plans by half or more would make the most sense.

Incidentally, I have been selling real estate on Mercer Island for 15+ years, especially at the high end. I would assert that fewer homes, with gracious front and back yards and beautiful 100 year old trees would be FAR more attractive and bring a MUCH higher price than Sammamish plateau-like cookie cutter homes all looking into each other's windows. Buyers on Mercer Island are willing to pay generously for flat, estate like properties on the Island (a rare commodity). I think the developer is applying a narrow formula to making a profit on this property. His views are short-sighted and he is missing the opportunity to create highly desirable, prestigious homes.

Oh, and I would also mention that there were MANY Island developers who looked at the property prior to the current Buyer...who walked away simply because of the watercourse designation. What kind of message are you sending THEM?

Thank you for your attention.

Please enter this email into the official record.

Sincerely,

Janet Mead Leamon

8335 SE 30th Place

Mercer Island, WA 98040

--

Janet Mead Leamon

Real Estate Broker/Marketing and Sales

Coldwell Banker Bain Associates/Mercer Island Branch

janetmead@cbbain.com

206-919-5971 primary/mobile

206-230-5490 office/voicemail

206-232-0368/fax

www.mercerislandhomes.net

www.janetmead.com

Seattle Magazine 2013 "Best in Client Satisfaction" - 7 year recipient

Shana Crick

From: c.boatsman@comcast.net
Sent: Tuesday, January 21, 2014 12:04 PM
To: Shana Crick
Subject: Re: Message to Jon Friedman: Size of stormwater facilities for Coval property

Follow Up Flag: Follow up
Flag Status: Flagged

OK Shana. Here is my letter to you:

Shana Crick

From: "Shana Crick" <Shana.Crick@mercergov.org>
To: "c.boatsman@comcast.net" <c.boatsman@comcast.net>
Cc: "Travis Saunders" <Travis.Saunders@mercergov.org>, "Katie Knight" <Katie.Knight@mercergov.org>
Sent: Tuesday, January 21, 2014 9:11:54 AM
Subject: RE: Message to Jon Friedman: Size of stormwater facilities for Coval property

Dear Carolyn,

We cannot forward your email to Jon Friedman's attention as this is a quasi-judicial process and he cannot have ex parte contacts, which has to do with the Appearance of Fairness Doctrine. Additionally, the record for this hearing will close at 5:00 PM on January 22, 2014. Therefore, in order to include your letter in the record, you should send your letter to me by 5:00 PM on January 22, 2014 to be marked as an exhibit in the Planning Commission packet.

Please let me know if you have any more questions.

Thank you,
Shana Crick

Shana Crick
Senior Planner
City of Mercer Island Development Services Group
9611 SE 36th Street
Mercer Island, WA 98040-3732
Phone: 206-275-7732; Fax: 206-275-7726
shana.crick@mercergov.org

View the status of permits at www.mybuildingpermit.com
View information for a geographic area at <http://pubmaps.mercergov.org>
View application and other zoning information at <http://www.mercergov.org/Page.asp?NavID=361>

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From: c.boatsman@comcast.net [<mailto:c.boatsman@comcast.net>]
Sent: Friday, January 17, 2014 9:04 PM

To: Travis Saunders

Cc: Robert Thorpe

Subject: Message to Jon Friedman: Size of stormwater facilities for Coval property

(Hi Travis. Ali said that you could forward a message to Jon Friedman on the Planning Commission.)

Hello Mr. Friedman. I attended the hearing re: the Coval property on Wednesday evening. I recall that you asked for explanation of the comments re: the size of stormwater facilities pertaining to testimony of a gentleman whose name I did not catch. He made a rather lengthy comment around 8pm mostly pertaining to stormwater management. By the time you asked for more information he had gone home. I listened to the explanation that you rec'd from another person but I felt that there was additional explanation warranted. Hence, my comment.

He said that he believed that the stormwater facility is undersize due to inaccurate description of original site soils. If the original soil and site conditions allowed high infiltration then the difference in run off between original conditions and developed conditions is high, i.e. high infiltration reduced to much lower infiltration after development. When original site soils are relatively impermeable to begin with, the difference between original run off and post development run off is less. The code requirement is to maintain run off to mimic predevelopment conditions. The gentleman stated that original soils were inaccurately described so the stormwater vault is sized for a lower amount of run off than it would have been had site soils been described accurately.

It is very important to mimic original run off so as not to increase flow to the beach area of Luther Burbank. Increased flows can cause physical damage and water quality degradation due to siltation and transported pollutants.

My career was in groundwater and aquifer protection for the Public Health Dept and the City of Renton. Matters of infiltration, stormwater management, and groundwater flow were all topics of constant consideration in protecting both the quantity and quality of groundwater in the aquifer. I hope my explanation is of some help but surely, the fellow who made the comment can put it much more accurately!

Best Regards,
Carolyn Boatsman
Resident First Hill, Mercer Island

EXHIBIT 111

Shana Crick

From: Sandmaier, Brenda M [bsandmai@fhcrc.org]
Sent: Thursday, January 16, 2014 3:31 PM
To: Shana Crick
Subject: Traffic & Pedestrian Safety Feedback to Planning Commission: Coval

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Shana:

I am a resident of Mercer Island since 1986 and have lived in our current house on 33rd Place by 84th Ave since 1987. I would like to thank the staff and members of the Planning Commission for their service to the city. I'd like to submit feedback about traffic safety in the neighborhood in and around Snake Hill Road/84th Ave SE near the Coval property.

There are many children and older people who live in this neighborhood. We like to walk around in the neighborhood, to the library, PEAK and to downtown Mercer Island. However, for a variety of reasons listed below, the neighborhood has become unsafe for walking and the traffic on 84th Avenue and 86th Avenue are particularly bad. We believe that adding 18 houses on 84th Ave/Snake Hill Road will make it much worse. Already people from all around the island use this neighborhood as a short cut between the freeway and PEAK, the library and the high school and travel at high speeds of up to 50 mph on 84th and 86th. In addition, there is a tremendous amount of overflow traffic when I-90 and NE 40th are clogged.

There have been accidents along this neighborhood including at the intersection of SE 39th St and Island Crest Way, SE 32nd Street & Island Crest way and SE 28th St in recent days.

In the words of the Planning Commission Chair during the public meeting on January 15th, Adam Cooper "I have used this neighborhood and 84th Avenue (as an arterial) since I began driving in 1984".

As the density on the North End has increased and as we add on more amenities at the mega block south of 40th St, this usage has increased and safety problems have increased.

We would like to reclaim the neighborhood and make it pedestrian friendly for retired people, kids, dog walkers, joggers, bikers and everyone else and have automobiles traverse our neighborhood at slow and respectful speeds. Accordingly we urge you to consider the following recommendations to the City Council and use your judgment in determining which of these should be the responsibility of the Coval Developer and which should be handled directly by the city.

- A permanent sign that measures and displays the speed of the vehicle and the speed limit – like on the road near the middle school & Lakeridge on 84th Ave.
- A walking path - made of gravel or a sidewalk connecting Upper Luther Burbank and Clise Park and on 86th
- Better street lighting along 84th Ave SE
- Solar lighting along the main trail of Upper Luther Burbank for night walkers
- Speed mitigation on 84th Ave SE and 86th Ave SE including
 - o Speed Bumps
 - o Roundabouts or Semi Roundabouts like on SE 63rd St as you turn right off Island Crest Way heading south
- Make the pedestrian crossing at SE 32nd and Island Crest way at least as safe as the pedestrian crossings near Island Park. There are many apartments and condos here already and the Coval property will simply add more traffic and this is by far the most dangerous pedestrian crossing on Mercer Island.

- Create and maintain a natural park at the clearing at the top of Upper Luther Burbank with native plants and picnic benches – there is no neighborhood park in this neighborhood and the model we'd like to suggest is to have one similar to first hill park that can serve as a focal point for kids, older people and neighborhood gatherings.

Please enter this email into the official record.

Sincerely,

Name: **Brenda M Sandmaier, MD**

Phone : 206-236-2056

Address: 8412 SE 33rd Place, Mercer Island WA 98040

Shana Crick

From: Philip Wang [philw1290@gmail.com]
Sent: Thursday, January 16, 2014 9:46 PM
To: Shana Crick
Subject: Coval Subdivision
Attachments: letter to city of MI 2014.1.16.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Shana,

Attached please find a letter regarding the Coval Subdivision.

January 16, 2014

Ms. Shana Crick
Development Services Group
City of Mercer Island
9611 SE 36th Street
Mercer Island, WA 98040

Re: Coval Subdivision

Shana:

I am a resident of Mercer Island.

I would like to thank the staff and members of the Planning Commission for their service to the city.

I'd like to submit feedback about traffic safety in the neighborhood in and around Snake Hill Road/84th Ave SE near the Coval property.

There are many children and older people who live in this neighborhood. We like to walk around in the neighborhood, to the library, PEAK and to downtown Mercer Island.

However, for a variety of reasons listed below, the neighborhood has become unsafe for walking and the traffic on 84th Avenue and 86th Avenue are particularly bad.

We believe that adding 18 houses on 84th Ave/Snake Hill Road will make it much worse. Already people from all around the island use this neighborhood as a short cut between the freeway and PEAK, the library and the high school and travel at high speeds of up to 50 mph on 84th and 86th.

In addition, there is a tremendous amount of overflow traffic when I-90 and NE 40th are clogged.

There have been accidents along this neighborhood including at the intersection of SE 39th St and Island Crest Way, SE 32nd Street & Island Crest way and SE 28th St in recent days.

In the words of the Planning Commission Chair during the public meeting on January 15th, Adam Cooper "*I have used this neighborhood and 84th Avenue (as an arterial) since I began driving in 1984*".

As the density on the North End has increased and as we add on more amenities at the mega block south of 40th St, this usage has increased and safety problems have increased.

We would like to reclaim the neighborhood and make it pedestrian friendly for retired people, kids, dog walkers, joggers, bikers and everyone else and have automobiles traverse our neighborhood at slow and respectful speeds.

Accordingly we urge you to consider the following recommendations to the City Council and use your judgment in determining which of these should be the responsibility of the Coval Developer and which should be handled directly by the city.

- A permanent sign that measures and displays the speed of the vehicle and the speed limit – like on the road near the middle school & Lakeridge on 84th Ave.
- A walking path - made of gravel or a sidewalk connecting Upper Luther

- Burbank and Clise Park and on 86th
- . Better street lighting along 84th Ave SE
- . Solar lighting along the main trail of Upper Luther Burbank for night walkers
- . Speed mitigation on 84th Ave SE and 86th Ave SE including
 - o Speed Bumps
 - o Roundabouts or Semi Roundabouts like on SE 63rd St as you turn right off Island Crest Way heading south
- . Make the pedestrian crossing at SE 32nd and Island Crest way at least as safe as the pedestrian crossings near Island Park. There are many apartments and condos here already and the Coval property will simply add more traffic and this is by far the most dangerous pedestrian crossing on Mercer Island.
- . Create and maintain a natural park at the clearing at the top of Upper Luther Burbank with native plants and picnic benches – there is no neighborhood park in this neighborhood and the model we'd like to suggest is to have one similar to first hill park that can serve as a focal point for kids, older people and neighborhood gatherings.

I would also like to express my concern about numerous elements of the proposed 18 lot subdivision of 3051 84th Avenue SE. Allowing a subdivision of 18 homes on this acreage where the Mercer Island city map shows steep slopes, a slide area and a watercourse conflicts with Municipal Code section 19.08.030 (C) Control of Hazards.

The watercourse is observed flowing from south of the proposed development and ultimately pours into Luther Burbank Park's south wetland near the swim beach. Besides those attributes listed above we worry about drainage problems, traffic access and public safety particularly during the construction stage.

Further this project is not compatible with the surrounding neighborhood as required by the Mercer Island City Code, Section 19.08.030 (A) and Comprehensive Plan, Land Use Element, 8.5 which "encourages infill development on vacant or under-utilized sites that are outside of critical areas and ensure that the infill is compatible with the surrounding neighborhoods". Please put (my/our) names down as a person(s) of record and notify us of upcoming public hearings.

Please enter this email into the official record.

Sincerely

Philip Wang
8230 SE 30th Street
Mercer Island, WA 98040
Philw1290@gmail.com

EXHIBIT 113

Shana Crick

From: Werner Glass [wernerglass27@gmail.com]
Sent: Thursday, January 16, 2014 10:16 PM
To: Shana Crick
Subject: Pedestrian Safety Feedback to Planning Commission: near Coval Property

Follow Up Flag: Follow up
Flag Status: Flagged

Shana:

We are residents of Mercer Island living near the intersection of SE 34th St. and 84th Ave. SE and would like to comment regarding the Proposed Coval Development.

Adding 18 additional homes with their attendant automobile traffic will increase the hazards already being faced by pedestrians along 84th Ave. SE. The increased hazards could be mitigated by improved lighting and a sidewalk on either the east or the west side of the avenue north of SE 40th street.

Please enter this email into the official record.

Sincerely
Werner & Lois Glass

8325 SE 34th St.
(206)708-6782

Shana Crick

From: Marlene [marlenellemon@aol.com]
Sent: Friday, January 17, 2014 8:14 AM
To: Shana Crick
Subject: Traffic & Pedestrian Safety Feedback to Planning Commission: Coval Property

Follow Up Flag: Follow up
Flag Status: Flagged

Shana:

I have been a resident of Mercer Island for 41 years.

I would like to submit my feedback regarding the Coval property.

Although I don't live on 84th, I walk through that neighborhood four times a week with other friends. This loop we walk is a popular one from our neighborhood near the JCC and Mercerwood area on the north end connected by the I 90 trail.

Adding the trail through the woods was helpful regarding pedestrian safety but with the new elementary school, PEAK and an updated library coming soon, the traffic will only increase. There already is a large flow of cars due to the preschool and Presbyterian church on 84th, also being a park and ride on week days.

We believe that adding 18 houses on 84th Ave/Snake Hill Road will make this street likened to an arterial connecting the city center to this area.

I echo others with these great ideas.

- A permanent sign that measures and displays the speed of the vehicle and the speed limit – like on the road near the middle school & Lakeridge on 84th Ave.
- A walking path - made of gravel or a sidewalk connecting Upper Luther Burbank and Clise Park and on 86th
- Better street lighting along 84th Ave SE
- Solar lighting along the main trail of Upper Luther Burbank for night walkers
- Speed mitigation on 84th Ave SE and 86th Ave SE including
 - o Speed Bumps
 - o Roundabouts or Semi Roundabouts like on SE 63rd St as you turn right off Island Crest Way heading south
- Make the pedestrian crossing at SE 32nd and Island Crest way at least as safe as the pedestrian crossings near Island Park. There are many apartments and condos here already and the Coval property will simply add more traffic and this is by far the most dangerous pedestrian crossing on Mercer Island.
- Create and maintain a natural park at the clearing at the top of Upper Luther Burbank with native plants and picnic benches – there is no neighborhood park in this neighborhood and the model we'd like

to suggest is to have one similar to first hill park that can serve as a focal point for kids, older people and neighborhood gatherings.

Please enter this email into the official record.

Sincerely,

Name: Marlene Lemon

Phone :2064786675

Address: 4219 Shoreclub Drive

Sent from my iPad

EXHIBIT 115

Shana Crick

From: Alex Silverman Home [aesilverman1@yahoo.com]
Sent: Sunday, January 19, 2014 2:50 PM
To: Shana Crick
Subject: Comment on 84th Ave development

Follow Up Flag: Follow up
Flag Status: Flagged

To: shana.crick@mercergov.org

Subject: Traffic & Pedestrian Safety Feedback to Planning Commission: Coval Property

Shana:

As a resident of Mercer Island, just off 84th Ave. and within a couple of blocks of the proposed 18-house development opposite Upper Luther Burbank on the Coval property, I wanted to let the Planning Commission know my views regarding the impact of this new development on traffic safety in the neighborhood.

Simply put, building 18 new houses will exacerbate an already dangerous situation. I would ask the Commission to please consider putting in sidewalks all up and down this section of 84th Ave., because as it stands, there is no safe place to walk on the street. High schoolers from our neighborhood who attend MIHS have to walk to school in the street, and that needs to change. Also there should be a marked bike lane for those who choose to go to MIHS or PEAK by bicycle.

Additionally, the intersection of 39th St. and Island Crest Way is treacherous. Cars often turn off Island Crest Way onto 39th and then immediately turn down 84th with scarcely a break in speed. I recognize that there needs to be access from Island Crest Way to the Presbyterian Church, but at the same time, there needs to be a way to control the flow at the intersection, both for the sake of ensuring the safety of pedestrians and bicyclists on 39th St. and further to discourage non-local traffic from using 84th Ave. as a short-cut arterial.

I join in support of the many voices of my friends and neighbors who want to reclaim the neighborhood and make it pedestrian friendly for retired people, kids, dog walkers, joggers, bikers and everyone else and have automobiles traverse our neighborhood at slow and respectful speeds.

Please enter this email into the official record. Many thanks.

Name: Alex Silverman
Phone : 206-724-7041
Address: 8350 SE 34th Street, Mercer Island 98040

Shana Crick

From: Ian Moncaster [ian@moncaster.us]
Sent: Sunday, January 19, 2014 4:09 PM
To: Shana Crick
Subject: Traffic & Pedestrian Safety as well as Neighborhood Feedback to Planning Commission: Coval Property

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Crick:

I have been a resident of Mercer Island since 1997 and would like to thank the staff and members of the Planning Commission for their service to the city.

I am writing to submit feedback about traffic safety in the neighborhood in and around Snake Hill Road/84th Ave SE near the Coval property.

There are many children and older people who live in this neighborhood. I walk or bike ride with my young children at least daily - around the neighborhood, to the school bus stop, the library, PEAK and downtown Mercer Island.

I fear that traffic problems may escalate with further development in the mega-block and the addition of adding 18 houses on 84th Ave/Snake Hill Road. While the traffic has been problematic for many years, either the megablock development or the Coval development would push traffic issues to very dangerous levels. With both building projects being planned, now is the time that I raise my concerns with the Planning Commission as the neighborhood has become increasingly unsafe for walking, in particular for the traffic on 86th Avenue, along SE 36th Street and 84th Avenue.

In broad day light, I have had young drivers hit my parked car – parked completely on the shoulder and off of the hard surface road of SE 36th Street - occasioning tens of thousands of dollars of damage to both vehicles.

I walk my daughter to the kindergarten bus each day, and multiple times a week there are drivers driving too fast and without caution on our neighborhood streets. The profile of the drivers seems to range from:

- High school students speeding to get downtown for lunch, to the high school traffic through the neighborhood at the end the school day. It is common practice in our neighborhood to make sure that our kids don't ride their bikes or scooter on the street after 3:00 PM as the young and inexperienced high school drivers will soon be out - often multiple cars following too close to each other and driving too quickly.
- Adults driving south on 84th to 39th, so as to turn right onto Island Crest and presumably get onto the I-90 west bound ramp, and those turning off Island Crest to head north on 84th.
- People from all around the island using this neighborhood as a short cut between downtown Mercer Island, I-90 East ramp, PEAK, the library and the high school and travel at high speeds of up to 50 mph on 84th and 86th. In addition, there is a tremendous amount of overflow traffic when I-90 and NE 40th are clogged.

The issue of safety has been raised at the past six neighborhood gathering we have hosted over the past years as part of national night out. Although the traffic situation hasn't changed much in years, the demographics of our neighborhood have changed with many more families living with younger children and more older residents living alone who take daily walks in our neighborhood.

In the event of the common occurrence of oncoming vehicles and a pedestrian on the narrow streets, either a car slows down to allow an oncoming vehicle to pass or a pedestrian is at times forced off the road into the bushes or ditch. Add the unpredictability of young children and dogs to the equation, as well as lack of street lights, grey skies, rain and dusk, and it can be frightening to walk.

Again, while the traffic has been problematic for a number of years, either the megablock development or the Coval development will push, I feel, traffic issues to the very dangerous levels.

We would like to reclaim the neighborhood and make it pedestrian friendly for retired people, kids, dog walkers, joggers, bikers and everyone else and have automobiles traverse our neighborhood at slow and respectful speeds.

Accordingly, we urge you to consider the following recommendations to the City Council and use your judgment in determining which of these should be the responsibility of the Coval Developer and which should be handled directly by the city:

- An immediate and permanent sign that measures and displays the speed of the vehicle and the speed limit – like on the road near the middle school & Lakeridge – be placed on 84th Ave heading north.
- A walking path made of gravel, or a sidewalk, connecting Upper Luther Burbank and Clise Park and on 86th
- Better street lighting along 84th Ave SE
- Solar lighting along the main trail of Upper Luther Burbank for night walkers
- Speed mitigation on 84th Ave SE and 86th Ave SE.
- Make the pedestrian crossing at SE 32nd and Island Crest way at least as safe as the pedestrian crossings near Island Park Elementary. There are many apartments and condos here already and the Coval property will simply add more traffic.
- Create and maintain a natural park at the clearing at the top of Upper Luther Burbank with native plants and picnic benches as there is no neighborhood park in this neighborhood. The model we'd like to suggest is to have one similar to First Hill Park that can serve as a focal point for kids, older people and neighborhood gatherings.

Thank you for the opportunity to submit comments, and please enter this email into the official record.

Sincerely,

Ian Moncaster
8430 SE 36th Street
Mercer Island, WA 98040

Shana Crick

From: Bharat Shyam [bharat_shyam@hotmail.com]
Sent: Monday, January 20, 2014 9:16 AM
To: Shana Crick
Subject: Coval: Has King County Housing Authority been consulted?

Follow Up Flag: Follow up
Flag Status: Flagged

Shana

Island Crest Apartments is directly below the Coval property and there is a proposal to cut all the trees and also lop off 12 feet of the hillside above and behind Island Crest Apartments. King County Housing Authority owns Island Crest Apartments. Has the developer explicitly contacted KCHA and informed them? If not, isn't it unfair to them since they own the property that is most likely to be impacted if there is a destabilization of the hillside?

Yes, the developer's lawyer says that the hillside will not be destabilized by cutting 12 feet off the hillside but how believable is that claim since they also claimed that traffic is not an issue and you saw how many people disputed that claim? Further, clearly this is the only way that the developer is able to add on 4 extra lots since otherwise they would have a bigger setback from the crest.

Has the city engaged an independent geotech engineer to determine if cutting off 12 feet off a hillside and stripping all the trees off it actually helps or hurts the hillside?

thanks
Bharat

Sent from my iPad. Please excuse typos.

EXHIBIT 118

Shana Crick

From: Dick Del Missier [delmirj@comcast.net]
Sent: Monday, January 20, 2014 12:46 PM
To: Shana Crick
Subject: Coval Property, SUB 13-009 & SEP13-031

Follow Up Flag: Follow up
Flag Status: Flagged

This email is in response to the notice of continuation of open record for comments on subject proposal and is in addition

to my comments previously submitted.

The subject property contains a deep ravine running south to north through the approximate center of the property. On the City of Mercer Island map attached to The Watershed Company's peer review of the proposal this ravine is shown as a Type 2 watercourse. The northern terminus of this ravine is about two blocks north, on the property developed from 1996 to 2000 known as the Donahugh short plat. Our residence is in this plat one lot east of this ravine. On the City approved drawings of the Donahugh Plat this ravine is clearly marked as a watercourse with no buildings or fill allowed and appropriate setbacks. On the Coval drawings there is approximately 20 feet of fill in this ravine (watercourse) and portions of four lots, #7, 8, 15 & 16 are in the ravine. The ravine is not marked as a watercourse. During periods of heavy or sustained rainfall I have observed many instances of water overflowing the end of the ravine at SE 28th St. Also the roadside ditches on 84th Ave SE overflow onto the roadway along the sweeping curve between 84th Ave SE and SE 28th St. The construction on the Coval Long Plat and the addition of impervious surfaces will only aggravate this situation. The developer should be required to address these downstream problems prior to issuance of any permits.

Please add these comments to the public record.

Richard and Connie Del Missier
8220 SE 29th St
Mercer Island 98040
206-232-9840

EXHIBIT 119

Shana Crick

From: Bharat Shyam [bharat_shyam@hotmail.com]
Sent: Monday, January 20, 2014 5:52 PM
To: Shana Crick
Subject: Coval Property Comments: City Planning Commission should ask for a full fledged traffic study.
Attachments: Homelist without Dual Income or Kids info.xlsx
Follow Up Flag: Follow up
Flag Status: Flagged

The developer claims that the number of peak hour trips from adding 18 houses that are more than 3000 Sq Ft each and are priced greater than \$1.25M will result in only 17 evening peak hour trips. This falls below the threshold of 20 and so no traffic study is needed. The city, amazingly, has gone along with this logic and proposed to the planning commission that there is no such need for a traffic study.

I took the attached list of houses sold in 2013 that fit this criterion (i.e. greater than 3000 Sq Ft in size, and priced between \$1.25M and \$1.75M) and used Google, LinkedIn, Mercer Island School Directory and occasionally called a mutual friend and found that more than half of these homeowners were dual income and more than half of these homeowners had school age children. I have attached the list of homes and homeowners since it is easily obtained from tax records but I have removed information I dug out since it could be construed as a breach of privacy. However, I can gladly instruct the city on how to carry out their own study. It took me about one hour!

Then I conducted an informal study of dual income owners on the island and school age kids' parents and found that the right number of evening peak hour trips for such households is 3 or more. It is really more like 6 or 8 because our island is compact and has a lot of kids activities and grocery stores close by and it is common for dual income parents to go off and drop children and pick them up after a while. High school kids will similarly drive in and out on their own frequently. After taking just a very low estimate for such households of 2 evening peak hour trips and leaving the number of trips for the other half at 1 evening peak hour trip, we get 27 trips ($2 \times 9 + 1 \times 9$) \rightarrow just this number is above 20 – which is when a mandated traffic study is needed! In reality, the lower bound estimate is greater than 40 ($9 \times 3 + 9 \times 1.5 = 41$). The actual number is likely going to be significantly MORE than 50 evening peak hour trips. In addition, the neighborhood has clearly given feedback in personal testimony and emails that the road (84th/Snake Hill) is already unable to handle the traffic thrown on it today.

Why is the city staff not enforcing its rules when there is such a big development? All the other decisions related to slopes, wetlands and watercourse are also called into questioned based on this lax enforcement of traffic issues into which even a layman like me can poke holes easily.

I remodeled my house not so long ago and the city was unflinching in enforcing its rules even though it made no sense when it came to actually protecting the environment. We went ahead and followed the rules. On the flip side, here is a case where the environment is being ravaged, traffic studies are being skipped and yet the city is not enforcing its own rules. Does the city work for the citizens of MI or for developers? Why this difference in rules for the single homeowner who pays taxes on the island for decades versus the developer who will build, flip and go away?

This developer's credibility is under serious question based on the way they are blatantly trying to deceive us about the actual traffic that this development will generate!

Please commission a full traffic study as required by law and please do not approve the development without looking more critically into all of the developer's claims.

Thank you

Bharat Shyam
206 275 3059
8405 SE 34th Pl

Sale Date	Address	Sale Price	Owner
6/10/2013	8250 SE 34th St	\$1.231M	Ramakrishnan Amarnath V & Sivananthan Gayathri D
3/28/2013	8429 SE 39th St	\$1.25M	Darren Gold & June Kim Gold
1/30/2013	9810 SE 35th Pl	\$1.289M	B A Rasmussen & Sarah Rasmussen
9/20/2013	7218 78th Ave SE	\$1.299M	Paul C Choi & Min J Jang
9/9/2013	8400 W Mercer Way	\$1.315M	Kevin Mincio & Heather Hager
3/28/2013	7633 SE 41st St	\$1.325M	Daniel H & Jodie Friedman
2/22/2013	3225 W Mercer Way	1.349M	Scott Michael & Re Harrington
7/26/2013	8380 SE 43rd St	\$1.35M	Saul & Devorah Gamoran
8/26/2013	7835 SE 40th St	\$1.375M	John T & Keiko S Shanahan
6/14/2013	4037 97th Ave SE	\$1.399M	Saverio & Carolina Console
8/20/2013	9020 SE 47th St	\$1.4M	Allan J E & Feliz F Montpellier
5/31/2013	8218 SE 30th St	\$1.439M	Marvin S & Lisa E Brashem
10/15/2013	9954 SE 38th St	\$1.495M	Jie Tian & Fu Liquun
12/20/2013	7851 SE 71St	\$1.498M	Christopher R & Elizabeth T Vacca
5/17/2013	7203 West Mercer May	\$1.498M	Jeffrey J & Robyn K Hsu
7/29/2013	8425 SE 39th St	\$1.5M	Charles A Ritter & Michelle L C Ritter
7/8/2013	9628 SE 34th St	\$1.53M	Carol L James
10/23/2013	3615 90th Ave SE	\$1.55M	Sankar S Alagugurusamy & Aparna P Kulkarni
11/22/2013	8835 SE 39th St	\$1.575M	Steve Ballon & Jing Zhou
11/8/2013	8421 SE 46th St	\$1.665M	Minghui Gao & Allison Alissa
5/6/2013	8570 SE 80th St	\$1.675M	Cameron S & Michele F Janes
9/26/2013	9452 SE 52nd St	\$1.725M	John J & Kimberly H Duffy
1/14/2013	6302 SE 22nd St	\$1.5M	Ada Cheung & Charles B Cuono

EXHIBIT 120

Shana Crick

From: Bob Hoff [bobhoff21@gmail.com]
Sent: Monday, January 20, 2014 5:56 PM
To: Shana Crick
Cc: sharonthoff@aol.com; Sue@writestuf.biz
Subject: Coval property development

Follow Up Flag: Follow up
Flag Status: Flagged

Shana,

My wife and I would like to add our concerns to the well documented list that was expressed at the Jan 15th meeting. Having lived at SE 28th St for the past seven years, we can attest to the high amount of traffic on 84th street, both vehicular and pedestrian.

It is not only the increase resulting from eighteen additional homes that concerns us. We can expect a high volume of large construction equipment to be making countless trips for the next several years. Given the narrow and winding roadway, with few shoulders, the risk of potentially fatal accidents involving family vehicles and pedestrians cannot be discounted. The frequent school bus trips and occasional emergency vehicles also add to the risk factor.

We recognize that the Planning Commission has the best interest of Mercer Island and our residents in mind. We hope that the concerns expressed in the meeting are weighed heavily in the ultimate approval process.

Thank you,
Bob & Sharon Hoff
8219 SE 28th St
206-352-7438.

Sent from my iPad

EXHIBIT 121

Shana Crick

From: Toni Okada [td.okada@yahoo.com]
Sent: Monday, January 20, 2014 6:29 PM
To: Shana Crick
Subject: Coval Subdivision Comments
Attachments: Letter 2 Planning Comm 011814.doc

Follow Up Flag: Follow up
Flag Status: Flagged

Shana,

Please see attached letter with concerns about the proposed density of housing on the Coval property.

Thanks.

Toni Okada

January 18, 2014

Shana Crick, Senior Planner
Development Services Group
City of Mercer Island
9611 SE 36th Street
Mercer Island, WA 98040

Re: **SUB 13-009 and SEP 13-031 Coval Subdivision**

You heard from many of the neighbors (meeting January 15, 2014), the concern over increased traffic along 84th Avenue SE with the proposed development on the Coval property. As I live on 84th Avenue SE, I am extremely concerned about the construction traffic and the added trips from the proposed number of houses. I do not believe the developer's estimate of added trips is accurate. For houses in the neighborhood with 2 people, there are at least 2 cars. With more drivers in the household, there are more vehicles. The houses being proposed are so large, it would be unreasonable to think only one person would live there with one car. I'm sure the builder is not building houses with a 1-car garage.

The proposed 18 houses on 5 acres is twice as many as the number built on the 5-acre property, formerly owned by the Donohue family (between SE 28th and SE 29th and between 81st and 84th Avenues), which has 9.

The density and scale of the houses does not fit our neighborhood. The number of people and vehicles would make a negative impact on the quality of life here. It affects traffic, parking, schools, roads, and other infrastructure.

I ask you to consider decreasing the number of houses to be built, to 10 or less. I believe this would be in keeping with RCW 58.17.110, #1 and 2.

The developers proposed mitigation for parking and sidewalks only addresses the area that borders 84th Avenue SE. It does nothing for the rest of 84th Avenue SE. The bigger picture is that so many more houses with that many more people has a larger impact than just the 5 acres of the property. It impacts the neighborhood, streets, water, sewer, parks, and schools.

Thank you for the opportunity to give input on this development.

Toni Okada

Toni Okada
2909 84th Avenue SE
Mercer Island, WA 98040

EXHIBIT 122

Shana Crick

From: rita.a.moore@gmail.com on behalf of Rita Moore [rmoore@eds.org]
Sent: Tuesday, January 21, 2014 2:44 PM
To: Shana Crick
Subject: Fwd: Coval subdivision
Attachments: img228.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Shana,

I have attached a signed copy of a letter regarding the Coval property subdivision. Please make this part of the public record.

Rita

Rita Moore
6 Fern Hollow
Mercer Island, WA 98040
phone: [206 275-3883](tel:2062753883)

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January 21, 2014
~~December, 2013~~

Ms. Shana Crick
Development Services Group
City of Mercer Island
9611 SE 36th Street
Mercer Island, WA 98040

Re: SUB13-009 Coval Subdivision, CAO 13-002

To Development Services Group,

We are writing to register our concern about numerous elements of the proposed 18 lot subdivision of 3051 84th Avenue SE. Allowing a subdivision of 18 homes on this acreage where the Mercer Island city map shows steep slopes, a slide area and a watercourse conflicts with Municipal Code section 19.08.030 (C) Control of Hazards. The watercourse is observed flowing from south of the proposed development and ultimately pours into Luther Burbank Park's south wetland near the swim beach. Besides those attributes listed above we worry about drainage problems, traffic access and public safety particularly during the construction stage.

Further this project is not compatible with the surrounding neighborhood as required by the Mercer Island City Code, Section 19.08.030 (A) and Comprehensive Plan, Land Use Element, 8.5 which "encourages infill development on vacant or under-utilized sites that are outside of critical areas and ensure that the infill is compatible with the surrounding neighborhoods". Please put (my/our) names down as a person(s) of record and notify us of upcoming public hearings.

Signed,



Printed Name(s): Rita A. Moore

Address:

4509 Ferncroft Rd, Mercer Island

E-Mail:

rmoore@eds.org

EXHIBIT 123

Shana Crick

From: cameron ackley [cameronackley@yahoo.com]
Sent: Tuesday, January 21, 2014 4:32 PM
To: Shana Crick
Subject: Development

Hello,

I live in the Island Crest Apts. (3050 81st PI SE) and a flyer posted here gave your contact info regarding a proposed development (18 houses by Coval Property on 84th) right above our complex. Obviously, this should be discouraged for aesthetic purposes alone, never mind any geological hazards or other environmental concerns

Hopefully this thing can be derailed before it leaves the station.

Thank you
Cameron Ackley
206-232-8624

EXHIBIT 124

EXHIBIT 124

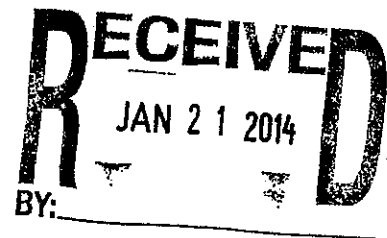
Project Nos.: SUB13-009/SEP13-031

Project Name: Coval Preliminary Long Plat

Project Address: 3051 84th Avenue SE

January 18, 2014

Shana Crick, Senior Planner
Development Services Group
City of Mercer Island
9611 SE 36th Street
Mercer Island, WA 98040



Re: SUB 13-009 and SEP 13-031 Coval Subdivision

You heard from many of the neighbors (meeting January 15, 2014), the concern over increased traffic along 84th Avenue SE with the proposed development on the Coval property. As I live on 84th Avenue SE, I am extremely concerned about the construction traffic and the added trips from the proposed number of houses. I do not believe the developer's estimate of added trips is accurate. For houses in the neighborhood with 2 people, there are at least 2 cars. With more drivers in the household, there are more vehicles. The houses being proposed are so large, it would be unreasonable to think only one person would live there with one car. I'm sure the builder is not building houses with a 1-car garage.

The proposed 18 houses on 5 acres is twice as many as the number built on the 5-acre property, formerly owned by the Donohue family (between SE 28th and SE 29th and between 81st and 84th Avenues), which has 9.

The density and scale of the houses does not fit our neighborhood. The number of people and vehicles would make a negative impact on the quality of life here. It affects traffic, parking, schools, roads, and other infrastructure.

I ask you to consider decreasing the number of houses to be built, to 10 or less. I believe this would be in keeping with RCW 58.17.110, #1 and 2.

The developers proposed mitigation for parking and sidewalks only addresses the area that borders 84th Avenue SE. It does nothing for the rest of 84th Avenue SE. The bigger picture is that so many more houses with that many more people has a larger impact than just the 5 acres of the property. It impacts the neighborhood, streets, water, sewer, parks, and schools.

Thank you for the opportunity to give input on this development.

A handwritten signature in black ink that reads "Toni Okada". The signature is written in a cursive, flowing style.

Toni Okada
2909 84th Avenue SE
Mercer Island, WA 98040

EXHIBIT 125

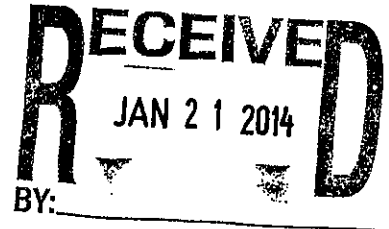
EXHIBIT 125

Project Nos.: SUB13-009/SEP13-031

Project Name: Coval Preliminary Long Plat

Project Address: 3051 84th Avenue SE

January 18, 2014



Shana Crick, Senior Planner
Development Services Group
City of Mercer Island
9611 SE 36th Street
Mercer Island, WA 98040

Re: SUB 13-009 and SEP 13-031, Coval Subdivision

I am a home owner north of the Coval property and have lived here for over 24 years. I urge you to consider the report by Scott Luchessa, Certified Ecologist, Ecological Solutions, Inc. The watercourse described in his report continues north, bordering my property on the west, and continues north across the next lot as it makes its way to Lake Washington.

When I first moved into my home, the lot west of me had no houses and there was a swamp with a big willow tree at the property line. A few years later, Kerry Hills Estates was developed on this lot. The builder I believe was John Nelson. He was going to build 2 houses on the lot but after the discussions we had with the Planning Commission and City Council, he decided to build only one (8236 SE 30th). He accommodated my request to minimize the impact to my property by building the house close to the south end of the lot and only putting 2 windows facing my house. Although the house is 3 stories, I do not have to look at it from my windows and it doesn't feel like an intrusion to the privacy of my patio with the minimal windows facing my house. This is a good example of the builder, Planning Commission, and City Council considering a neighbor's requests and working together to come to an agreeable solution.

Mr. Nelson told me he was required to build the house on pilings because of the watercourse. There is a pipe running underground along the shared property line and there is a storm drain in the very northeast corner of the lot. (It is under shrubs and is often covered with leaves but it is there.)

Several years later the 5 acre Donohue property north of me was subdivided. As you heard at the Planning Commission meeting on January 15, Dave Chapelle's in-laws owned this property and Dave built some of the houses, including one which he lived in for many years (8218 SE 29th). (Dave is a former member of the Planning Commission.) There are 10 lots on the 5 acres. The lot to the west of Dave's former home is undeveloped and must remain so because of the watercourse.

As you also heard at the Planning Commission meeting, the lot to the west of Glenn Blumstein's home (8241 SE 30th) must remain undeveloped because of the watercourse which runs through it.

The 3 properties mentioned above are all affected by the watercourse which originates south of the Coval property, runs through the Coval property, and ends up in Lake Washington. It is inconceivable to me that the developer of the Coval property would find no watercourse there when previous City documents show a watercourse and other builders have had to protect it or accommodate it. It flows north from the Coval property, not east, and does not drain into the ditch along 84th Ave SE.

Please re-evaluate the findings about the watercourse so it can be protected and the downstream neighbors do not have water runoff problems when the Coval property is developed.

I believe the proposed development does not comply with Mercer Island Municipal Code Section 19.08.030 (C) and 19.08.040 (A) regarding the watercourse.

Thank you.



Toni Okada
2909 84th Avenue SE
Mercer Island, WA 98040

EXHIBIT 126



City of Mercer Island Development Services Group



FOR DSG USE ONLY

File NO. 97-0061

Filing Fee Receipt 36541
46197

Date Received 1/16/97

Area Map _____

DEVELOPMENT APPLICATION FORM

<input type="checkbox"/> acreage waiver	LOCATION OF PROPOSAL: (street address) 8217 SE 28th
<input type="checkbox"/> ADU	
<input type="checkbox"/> building permit-new	
<input type="checkbox"/> building permit-remodel	PARCEL NUMBER: 545230-0980, 545230-0990, 545230-0995
<input type="checkbox"/> code amendment	NAME OF PROPERTY OWNER: Donahue Investments, Ltd. MAILING ADDRESS: 1848 72nd Ave SE Mercer Island, Wa. 98040 DAYTIME PHONE NUMBER: 232-0999
<input type="checkbox"/> comp. plan amendment	
<input type="checkbox"/> conditional use	
<input type="checkbox"/> critical land deviation	
<input type="checkbox"/> design-major	
<input type="checkbox"/> design-minor	
<input type="checkbox"/> design-sign	NAME OF PROPERTY OWNER'S REPRESENTATIVE: MAILING ADDRESS: Chappelle Construction, Inc. Dave Chappelle 4728 91st Ave SE Mercer Island, Wa. 98040 DAYTIME PHONE NUMBER:
<input type="checkbox"/> deviation	
<input type="checkbox"/> final plat	
<input type="checkbox"/> home occupation	
<input type="checkbox"/> land clearing	
<input type="checkbox"/> lot line adjustment	
<input type="checkbox"/> preliminary plat	PROPERTY SIZE: (square feet) 117,627 BRIEF SUMMARY OF REQUEST: subdivide property into 9 residential building lots.
<input type="checkbox"/> reclassification	
<input type="checkbox"/> shoreline-exemption	
<input type="checkbox"/> shoreline-SDP	
<input type="checkbox"/> shoreline-variance	
<input type="checkbox"/> short plat	
<input type="checkbox"/> storm drainage	
<input type="checkbox"/> street use	
<input type="checkbox"/> street vacation	
<input type="checkbox"/> variance	
<input type="checkbox"/> watercourse deviation	
<input type="checkbox"/> other	

I am the owner of the property that is the subject of the request or I have the consent of all owners of the property to serve as their representative and submit this application.

David L. Chappelle
signature

Oct 17, 1996
date

David L. Chappelle
print name

DONAHUE SUBDIVISION

A PORTION OF THE SE 1/4, NE 1/4, OF SECTION 12, TWP 24 N, RGE 4 E, W.M. MERCER ISLAND, KING COUNTY, WASHINGTON

LEGAL DESCRIPTION

LOTS 1 THROUGH 14 AND LOTS 16 THROUGH 30, ALL IN BLOCK 8, MERCER PARK ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 8, OF PLATS, PAGE 27, IN KING COUNTY WASHINGTON;

EXCEPT PORTION THEREOF DEEDED TO THE WASHINGTON TOLL BRIDGE AUTHORITY OF THE STATE OF WASHINGTON, BY INSTRUMENT RECORDED UNDER KING COUNTY RECORDING NUMBER 3032004; TOGETHER WITH THE NORTH 30 FEET OF VACATED TROY STREET (ALSO KNOWN AS SOUTHEAST 29TH STREET) ADJACENT TO THE SOUTHERLY SIDE OF THE ABOVE-REFERENCED LOTS 16 THROUGH 30, WHICH WOULD ATTACH BY OPERATION OF LAW.

DEDICATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF INTEREST IN THE LAND HEREBY SUBDIVIDED, HEREBY DECLARE THIS PLAT TO BE THE GRAPHIC REPRESENTATION OF THE SUBDIVISION MADE HEREBY. TRACT X IS A PRIVATE ROADWAY FOR INGRESS, EGRESS AND PUBLIC AND PRIVATE UTILITIES. MAINTENANCE AND REPAIR OR REPLACEMENT OF ALL ROADWAY, DRAINAGE AND ASSOCIATED IMPROVEMENTS SHALL BE ACCOMPLISHED BY THOSE LOTS SERVED THEREBY IN EQUAL SHARES. PUBLIC UTILITIES SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR OR REPLACEMENT OR NEW INSTALLATIONS OF THEIR FACILITIES AND SHALL RESTORE PREMISES TO THE CONDITION EXISTING AT THE TIME OF SAID WORK.

FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREBY SUBDIVIDED, WAIVE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS AND ANY PERSON OR ENTITY DERIVING TITLE FROM THE UNDERSIGNED, ANY AND ALL CLAIMS FOR DAMAGES AGAINST THE CITY OF MERCER ISLAND, ITS SUCCESSORS AND ASSIGNS WHICH MAY BE OCCASIONED BY THE ESTABLISHMENT, CONSTRUCTION, OR MAINTENANCE OF ROADS AND/OR DRAINAGE SYSTEMS WITHIN THIS SUBDIVISION OTHER THAN CLAIMS RESULTING FROM INADEQUATE MAINTENANCE BY THE CITY.

FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREBY SUBDIVIDED, AGREE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS TO INDEMNIFY AND HOLD THE CITY OF MERCER ISLAND, ITS SUCCESSORS AND ASSIGNS, HARMLESS FROM ANY DAMAGE, INCLUDING ANY COSTS OF DEFENSE, CLAIMED BY PERSONS WITHIN OR WITHOUT THIS SUBDIVISION TO HAVE BEEN CAUSED BY ALTERATIONS OF THE GROUND SURFACE, VEGETATION, DRAINAGE, OR SURFACE OR SUBSURFACE WATER FLOWS WITHIN THIS SUBDIVISION OR BY THE ESTABLISHMENT, CONSTRUCTION OR MAINTENANCE OF THE ROADS WITHIN THIS SUBDIVISION PROVIDED, THIS WAIVER AND INDEMNIFICATION SHALL NOT BE CONSTRUED AS RELINQUISHING THE CITY, ITS SUCCESSORS OR ASSIGNS, FROM LIABILITY FOR DAMAGES, INCLUDING THE COST OF DEFENSE, RESULTING IN WHOLE OR IN PART FROM THE NEGLIGENCE OF THE CITY, ITS SUCCESSORS, OR ASSIGNS.

IN WITNESS WHEREOF WE SET OUR HANDS AND SEALS.

DONAHUE INVESTMENTS LTD.

Mark Donahue
MARK DONAHUE

Peggy Donahue
PEGGY DONAHUE

WESTERN BANK
Le Had up

ACKNOWLEDGEMENTS

STATE OF WASHINGTON } SS
COUNTY OF KING

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT Mark Donahue SIGNED THIS INSTRUMENT, ON OATH STATED THAT HE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE legal description OF Donahue Subdivision TO BE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED March 30, 1998
SIGNATURE Andrew J. Hoff
OF NOTARY PUBLIC
MY APPOINTMENT EXPIRES 3-5-99

STATE OF Hawaii } SS
COUNTY OF Honolulu

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT Peggy Donahue SIGNED THIS INSTRUMENT, ON OATH STATED THAT SHE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE legal description OF Donahue Subdivision TO BE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED March 27, 1998
SIGNATURE Wm Y. Doo
OF NOTARY PUBLIC
MY APPOINTMENT EXPIRES May 09, 2001

ACKNOWLEDGEMENTS (CONTD)

STATE OF WASHINGTON } SS
COUNTY OF KING

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT L.E. Hanks SIGNED THIS INSTRUMENT, ON OATH STATED THAT HE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE legal description OF Donahue Subdivision TO BE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED March 31, 1998
SIGNATURE Andrea M. Larkin
OF NOTARY PUBLIC
MY APPOINTMENT EXPIRES 7/29/00



EASEMENTS RESERVATIONS

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO PUGET SOUND ENERGY, INC., U.S. WEST COMMUNICATIONS, ANY GAS COMPANY, ANY CABLE TELEVISION COMPANY AND OTHER UTILITIES, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, UNDER AND UPON THE EXTERIOR 10 FEET OF ALL LOTS AND TRACTS, PARALLEL WITH AND ADJOINING EXISTING OR PROPOSED ACCESS RIGHT OF WAY AND TRACTS (BOTH PRIVATE AND PUBLIC), AS WELL AS AN EASEMENT WITHIN ALL PRIVATE ROADS, TRACTS AND DRIVES, IN WHICH TO INSTALL LAY, CONSTRUCT, RENEW, OPERATE AND MAINTAIN UNDERGROUND DISTRIBUTION SYSTEMS AND NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSES OF SERVING THIS SUBDIVISION, AND OTHER PROPERTY, WITH UTILITY SERVICES, TOGETHER WITH RIGHT TO ENTER UPON THE LOTS AT ALL TIMES FOR THE PURPOSES HEREIN STATED.

NO LINES OR WIRES FOR THE TRANSMISSION OF ELECTRIC CURRENT, OR FOR TELEPHONE USE, CABLE TELEVISION, FIRE OR POLICE SIGNALS, OR FOR OTHER PURPOSES, SHALL BE PLACED UPON ANY LOT UNLESS THE SAME SHALL BE UNDERGROUND OR IN CONDUIT ATTACHED TO A BUILDING.

APPROVALS

CITY OF MERCER ISLAND

DATE: April 15, 1998
PLANNER: Sharon R. Rasmussen
BLDG. OFF: Steven R. Wilcox
CITY ENGR: Jon W. Wilkin PE, PLS

NO FURTHER SUBDIVISION OF LAND PERMITTED WITHIN 5 YEARS OF ABOVE STATED DATE WITHOUT FILING OF A FORMAL PLAT. THIS MUST BE APPROVED BY THE CITY OF MERCER ISLAND AND FILED WITH KING COUNTY RECORDER TO BE VALID.

KING COUNTY DEPARTMENT OF ASSESSMENTS

EXAMINED AND APPROVED THIS 4TH DAY OF MAY, 1998.

SCOTT NOBLE John E. R. R.
KING COUNTY ASSESSOR DEPUTY KING COUNTY ASSESSOR
ACCOUNT NUMBER 545230-0980/0990/0995

FINANCE DIVISION CERTIFICATE

I HEREBY CERTIFY THAT ALL PROPERTY TAXES ARE PAID, THAT THERE ARE NO DELINQUENT SPECIAL ASSESSMENTS CERTIFIED TO THIS OFFICE FOR COLLECTION AND THAT ALL SPECIAL ASSESSMENTS CERTIFIED TO THIS OFFICE FOR COLLECTION ON ANY OF THE PROPERTY HEREIN CONTAINED, DEDICATED AS STREETS, ALLEYS OR FOR ANY OTHER PUBLIC USE, ARE PAID IN FULL. THIS 4th DAY OF May, 1998.

FINANCE DIVISION

D. Lee Dedrick
MANAGER, FINANCE DIVISION



Chris G. Dandoy
DEPUTY

RECORDING CERTIFICATE:

Recording No. 190504199
Filed for record at the request of the City of Mercer Island City Council this 14th day of March, 1998, at 30 minutes past 3:00 p.m. and recorded in Volume 886 of Plats at pages 24 through 28, records of King County, Washington.

DIVISION OF RECORDS AND ELECTIONS

Wm Wnd
Superintendent of Records

LAND SURVEYOR'S CERTIFICATE:

I hereby certify that this plat of DONAHUE SUBDIVISION is based upon an actual survey and subdivision of SECTION 12 Township 24 North, Range 4 East, W.M., that the courses and distances are shown correctly thereon; that the monuments will be set and the lot and block corners will be staked correctly on the ground as construction is completed and that I have fully complied with the provisions of the platting regulations.

M. W. Marshall
Date 5-4-98
SURVEYOR



M. W. MARSHALL
PROFESSIONAL LAND SURVEYOR

7834 S.E. 32nd Street Mercer Island WA 98040
Telephone: (206) 232-5282

SE 1/4 NE 1/4 SEC. 12-24N-4E
SHEET 1 OF 3

JOB NO. 3958

VOLUME/PAGE
185 27

EXIST. CONC. MON IN CASE
AT EAST 1/4 COR SEC. 12-24-4



EXHIBIT 127

Shana Crick

From: Nancy R. Lee [nancyrlee@msn.com]
Sent: Tuesday, January 21, 2014 6:22 PM
To: Shana Crick
Subject: Planning Commission Comment

This is to comment on the proposed development on the Coval property of 18 houses on 5 acres.

This is to express a serious environmental concern, as the property has steep slopes and development should be away from the watercourse. The site could, perhaps, support half the proposed number of houses and still be profitable AND maintain the natural features of the property.

Please do not approve the proposed plan.

30 year Resident of Mercer,

Nancy R. Lee
4001 West Mercer Way
Mercer Island, WA 98040
206-232-8768

EXHIBIT 128

Shana Crick

From: Arny Reich [sooperdoc@aol.com]
Sent: Tuesday, January 21, 2014 7:14 PM
To: Shana Crick
Subject: coval property

There was a development on Highlands west below our home after we were in our home over 20 years. We live above the slope that is steep and has natural springs present. The very first winter there was a landslide. We corrected that and the next winter a more severe landslide required tens of thousands of dollars of corrective work. Developers were long gone and we were stuck with the problem. We live at 6221 82nd Ave SE.

We ask that the City not allow development on steep slopes, or watercourses especially in landslide hazard areas. Mercer Island is committed to preserving natural features and has written the Comprehensive Plan with that goal in mind. The City Code also refers to preserving the natural environment and states as a purpose: "to conserve and protect natural beauty and other natural resources".

Please don't develop the Coval property in any way that would jeopardize the surrounding land.

Dr. Arnold S. Reich

EXHIBIT 129

Shana Crick

From: Anita Reich [neet49@aol.com]
Sent: Tuesday, January 21, 2014 7:49 PM
To: Shana Crick
Subject: Coval property development

To Whom It May Concern,

I am a southend resident. I am grateful that the buyer of the Stevenson property has chosen to retain the integrity of the property by building an equestrian center rather than more new homes. Indeed, that development supports the City Code through conserving and protecting the natural beauty of the area.

I am concerned about the "mega" development proposed for the beautiful Coval property. I understand that there are landslide and watercourse issues on that property. I live above the Highlands East development. Our hillside was cut into for the development of those homes. During one of our rainstorms our hillside slid, taking with it about one third of our backyard. After hiring Geo Engineers our hillside was re-built through the importation of many tons of rocks. This was an expensive and preventable project. Our hillside was not the only one to slide after that development was established. I sincerely hope that you will not create similar problems for the residents surrounding the Coval property.

Sincerely,
Anita Reich
resident at 6221 82nd Ave. S.E.

EXHIBIT 130

Shana Crick

From: Dale Kingman [dalekingman@yahoo.com]
Sent: Tuesday, January 21, 2014 8:32 PM
To: Shana Crick
Cc: drferse@gmail.com
Subject: Coval Plat

Dear Ms Crick

I am writing, again, to request what I did two months ago: that you and the City comply with your own ordinances. It has not escaped the notice of citizens of the Island, that "staff" has its own agenda, has attempted to truncate comment, and make the average citizen jump through a number of bureaucratic hoops. Certainly, I expect you will reject such a characterization, yet, as with most things in life, "Staff's" actions belie protestations to the contrary.

The City did not follow its own Critical Area Ordinance. It is allowing construction on a steep slope without adequate geotechnical work. Indeed, it is poised to allow scraping of the hillside berm! City Staff has failed to assess the issue of watercourse (which is prominent on the city's own maps), wetlands or water disposal from the property. Changes in the developers plans to eliminate water infiltration and substitute rain screens has elicited not a city comment. Where is the scrutiny and demand for a traffic report of substance? 84th Ave SE is not a freeway. Do you know how many school buses crawl up and down 84th several times a day? Since the city in its wisdom elected to install traffic lights at 40th and 86th do you know how much traffic now bypasses the 40th/island crest way to 84th? of course the city doesn't. There have been no traffic studies.

The City provides a pdf of its staff report, a public document, to interested persons, yet when an affected and adjoining neighbor's counsel, Mr. Aramburu requests a word copy to respond, he must file a Public records request. Seriously? Have you required any Canadian developer to file a PDA for information? Apparently you people did not learn much from the disastrous and costly Lindell matter.

As most of us have said from the beginning: we are not opposed to orderly development. What is surprising, is that for the largest development of single family homes in 28 years, there is less scrutiny and 'staff' involvement with the community than if someone filed an application to put up a coffee kiosk in a parking lot.

Very truly yours

Dale Kingman

EXHIBIT 131

Shana Crick

From: Jeanette Smallwood [jeanettesmallwood@hotmail.com]
Sent: Tuesday, January 21, 2014 8:43 PM
To: Shana Crick; drferse@gmail.com
Subject: Coval Property Site

Dear Ms. Crick,

My family moved to Mercer Island in 1963 & I was raised here & attended St. Monica, North Mercer & M.I. High School along with my brother & four sisters. My father, Ben Wolfe, worked for the school district for over 30 years & was M.I. Citizen of the Year in 2005. I still live on Mercer Island with my husband & daughter and we were greatly dismayed to read in the M.I. Reporter that the City of Mercer Island is considering allowing 18 houses to be placed on the Coval property site. That is not at all in keeping with the goals of either the Comprehensive Plan or the City Code.

It would be an extraordinarily bad decision to allow that many homes in this landslide hazard area off Snake Hill. In order to preserve the beauty of our shared Island, we urge you not to allow development on the steep slope and to protect the watercourse. Please consider a more modest development of a smaller number of homes that conserve & protect the natural features of this beautiful property and are not as damaging to the neighboring homes, apartments & businesses.

Sincerely yours,

Jeanette Wolfe Reese
Paul C. Reese

4334 89th Ave SE
Mercer Island, WA 98040-4132
tel#206-232-2700

EXHIBIT 132

Shana Crick

From: No [tnt_nho@msn.com]
Sent: Tuesday, January 21, 2014 10:59 PM
To: Shana Crick
Subject: Traffic & Pedestrian Safety Feedback to Planning Commission: Coval Property

Shana:

I am a resident of Mercer Island.

I would like to thank the staff and members of the Planning Commission for their service to the city.

I'd like to submit feedback about traffic safety in the neighborhood in and around Snake Hill Road/84th Ave SE near the Coval property.

There are many children and older people who live in this neighborhood. We like to walk around in the neighborhood, to the library, PEAK and to downtown Mercer Island.

However, for a variety of reasons listed below, the neighborhood has become unsafe for walking and the traffic on 84th Avenue and 86th Avenue are particularly bad.

We believe that adding 18 houses on 84th Ave/Snake Hill Road will make it much worse.

Already people from all around the island use this neighborhood as a short cut between the freeway and PEAK, the library and the high school and travel at high speeds of up to 50 mph on 84th and 86th.

In addition, there is a tremendous amount of overflow traffic when I-90 and NE 40th are clogged.

There have been accidents along this neighborhood including at the intersection of SE 39th St and Island Crest Way, SE 32nd Street & Island Crest way and SE 28th St in recent days.

In the words of the Planning Commission Chair during the public meeting on January 15th, Adam Cooper "*I have used this neighborhood and 84th Avenue (as an arterial) since I began driving in 1984*".

As the density on the North End has increased and as we add on more amenities at the mega block south of 40th St, this usage has increased and safety problems have increased.

We would like to reclaim the neighborhood and make it pedestrian friendly for retired people, kids, dog walkers, joggers, bikers and everyone else and have automobiles traverse our neighborhood at slow and respectful speeds.

Accordingly we urge you to consider the following recommendations to the City Council and use your judgment in determining which of these should be the responsibility of the Coval Developer and which should be handled directly by the city.

- A permanent sign that measures and displays the speed of the vehicle and the speed limit – like on the road near the middle school & Lakeridge on 84th Ave.
- A walking path - made of gravel or a sidewalk connecting Upper Luther Burbank and Clise Park and on 86th
- Better street lighting along 84th Ave SE
- Solar lighting along the main trail of Upper Luther Burbank for night walkers
- Speed mitigation on 84th Ave SE and 86th Ave SE including
 - o Speed Bumps
 - o Roundabouts or Semi Roundabouts like on SE 63rd St as you turn right off Island Crest Way heading south

- Make the pedestrian crossing at SE 32nd and Island Crest way at least as safe as the pedestrian crossings near Island Park. There are many apartments and condos here already and the Coval property will simply add more traffic and this is by far the most dangerous pedestrian crossing on Mercer Island.
- Create and maintain a natural park at the clearing at the top of Upper Luther Burbank with native plants and picnic benches – there is no neighborhood park in this neighborhood and the model we'd like to suggest is to have one similar to first hill park that can serve as a focal point for kids, older people and neighborhood gatherings.

I just want to add that we are protect our investment / home / nature / family & friends the best way we can, please remember that.

Please enter this email into the official record.

Sincerely

Norma Ho

Phone : 206-236-2336

Address: 8253 SE 30th place

from

Norma Ho

EXHIBIT 133

Shana Crick

From: Sarah Ford [sarahjford@hotmail.com]
Sent: Tuesday, January 21, 2014 11:36 PM
To: Shana Crick
Subject: Input on Coval Property

Dear Shana,

I am writing about the proposed development of 18 homes on the Coval property. First off, I wanted to say thanks for facilitating the public process and collecting public input on the plan. I attended part of the meeting with the Planning Commission last week and found it very interesting. I wanted to touch on several topics.

Hillside/watercourse

I was concerned to hear about the topography and possible water course on the property and was actually a bit shocked to learn that the developer plans to cut away at the hillside significantly in order to build some of the houses on the western end of the lot. I am far from an expert on soils and hillside stability, but I have seen problems from erosion and drainage that hasn't been treated properly and I know how devastating the impact can be. So I sure hope that the right steps are being taken to properly manage the drainage and the stability of the hillside.

Traffic

The topic that motivated me to attend the meeting was to hear about (and possibly speak, although I wasn't able to stay long enough to do so) about the added traffic and parking congestion to 84th. I live just a few blocks away from the Coval property and can say that 84th is already not in ideal condition for traffic management. There are a lot of people who walk, jog, bike and push strollers along 84th either because they are out for a walk or because they are heading from our neighborhood to Town Center or over to the High School, pool, library etc. There isn't any safe, well-defined sidewalk and cars often drive along that stretch at fairly high speeds. It's the main road through this area and gets quite a bit of traffic.

Obviously, adding a development with 18 homes is going to add quite a bit both to cars and to the numbers of people walking and jogging along the road. I know that the road in the development will be narrow and wouldn't accommodate parking. So if any one of the homes had a party or event at their home, I'd expect a lot of parking on 84th which would make the road even narrower than normal and that much less safe for walkers.

When I learned that the developers had stated they expected 17 trips during peak hour, it didn't make me feel that the developer is being very trusting and straight-forward. 17 trips has to be a gross under-estimate for a neighborhood with 18 homes. Given the proposed size of each home, I would guess that most homes would be occupied by several people. There are likely to be at least 2 drivers/household; and probably more in at least some of the households. It is also likely that many households will have dual income earners. With multiple people coming to and from work during peak hours, kids being picked up and dropped off for activities and teenagers driving, I think that 17 trips during peak hour just can't be right and it doesn't give the builder much credibility to state that.

Impact Fees/Amenities

It should be required that a developer planning a new neighborhood of this scale participate in upgrading the infrastructure in the area. Here are some improvements that we would like to see:

- A permanent sign that measures and displays the speed of the vehicle and the speed limit – like on the road near the middle school & Lakeridge on 84th Ave.
- A walking path - made of gravel or a sidewalk connecting Upper Luther Burbank and Clise Park and on 86th
- Better street lighting along 84th Ave SE
- Solar lighting along the main trail of Upper Luther Burbank for night walkers

- Speed mitigation on 84th Ave SE and 86th Ave SE including
 - Speed Bumps
 - Roundabouts or Semi Roundabouts like on SE 63rd St as you turn right off Island Crest Way heading south
- Make the pedestrian crossing at SE 32nd and Island Crest way at least as safe as the pedestrian crossings near Island Park. There are many apartments and condos here already and the Coval property will simply add more traffic and this is by far the most dangerous pedestrian crossing on Mercer Island.
- Create and maintain a natural park at the clearing at the top of Upper Luther Burbank with native plants and picnic benches – there is no neighborhood park in this neighborhood and the model we'd like to suggest is to have one similar to first hill park that can serve as a focal point for kids, older people and neighborhood gatherings.

Additionally, is the developer going to be required to pay an impact fee to the School District? I know that the new apartment buildings have been paying an impact fee....and I expect there will actually be more new school-age kids in a development like this compared to the apartment buildings.

I know that when a developer builds a new plat in Issaquah, Sammamish and those areas that the developers have to pay for schools, road improvements etc. I think the same should be required here too.

Many thanks,

Sarah Ford
 8405 SE 34th Pl
 206-275-3059

EXHIBIT 134

Shana Crick

From: Marion [mbschwartz08@comcast.net]
Sent: Tuesday, January 21, 2014 11:51 PM
To: Shana Crick
Subject: Proposed land development

I am a mercer island home owner and feel that to much development is not a good idea and especially for the cover property. It can cause all kinds of problems especially for water run off and also taking down the beautiful trees.

Thank you

Marion Schwartz

Sent from my iPhone

Regards

Marion

Shana Crick

From: Marion [mbschwartz08@comcast.net]
Sent: Tuesday, January 21, 2014 11:55 PM
To: Shana Crick
Subject: Coval property

I made a spelling error it is the coval property not cover!

Sent from my iPhone

Regards

Marion

EXHIBIT 135

Shana Crick

From: Justin and Jaime [jayisee@gmail.com]
Sent: Wednesday, January 22, 2014 12:47 AM
To: Shana Crick
Subject: Coval Development: additional comments

Hi Shana

In addition to our prior communications, Jaime and I would like to express our concern with a few additional elements in the Coval Development.

1) Walkway to a potential future stairway from Island Crest Way. From what we have learned, the stairs to 84th idea is not wise. We've been told that in the past there was a study on the feasibility of the stairs, and it was determined that the sharp slope made the stairs too dangerous. We'd imagine the potential stairway will have to be built in the Landslide Hazard Area. The city should not ignore safety. Besides, who are these stairs targeted towards? None of the local residents we've talked to want the stairs. Also, most people that walk along 84th St are out for a stroll, enjoying the scenery. There's no need for a dangerous short cut. And, if the stairway is not safe and is not in demand by the local residents, why build a walkway to nowhere? It will only tempt future lawmakers/developers to ignore the many good reasons not to build the stairway. If a (dangerous) stairway is built, then crossing Island Crest Way is also a safety issue. We'd rather see resources spent on improving 84th and the pedestrian/stroller/bike safety to Downtown; instead of spending resources on a stairway that is not as useful to as many people.

2) Cottonwoods should be removed. There are two tall cottonwoods on the south side of the property. Several people with intimate tree knowledge have pointed out that they are at the end of their lifespan and that they could topple in the near future. That would be a very bad thing. I recall Wes G. had initially agreed to remove them, but then a later plat planning map showed that they were being left in. When asked, Wes mentioned that city officials asked them to be kept in. These should be removed to avoid a future disaster. However, removing them will cause at least one side effect...read on to #3

3) Water runoff/drainage from the South through the Coval Property. Currently, there water runoff from the properties and land south of the Coval Property flow into a pipe in the middle of the south end of the Coval Property which then empties out into a ravine. Whether that runoff constitutes a watercourse or a wetland is not this email's concern. Instead, what we are concerned about is whether the developers will have built a system that can handle the worst case scenario...when torrential rains create a flood of water that has proven to back up into the private lane off 84th creating a pool of surface water when the Coval pipe was not completely clear. With the new development, many trees will be removed, hopefully including the two large Cottonwoods which suck up a lot of water. Also, much of the currently permeable ground will be replaced by impermeable ground as foundations are laid. All these changes will make the system by which the Coval development receives and distributes the south-sourced water runoff very critical. Please make sure that the worst case rain scenario is planned for and not just the typical winter or even the randomly chosen winter day.

4) Living right next to the Coval Development, we are very concerned about the work hours during construction. When asked, Wes G. stated that they would adhere to whatever the city allowed. When told that was 7AM-10PM, and asked if they would really work to 10PM, he just shrugged. Since this is a very residential area (and a quiet one at that), we would hope the developers would try to create goodwill with the neighborhood by working during reasonable hours (7AM-10PM is not).

5) Traffic safety during construction. As mentioned by many others at the meeting last week, 84th needs to be safer. Aside from the long-term planning of improving safety for 84th, there is also the issue of safety during the construction phase. Large trucks and equipment will be traveling on 84th, including when children are waiting for school buses and neighbors are walking/biking/strolling along 84th. We ask that the construction crew take particular caution. Perhaps they can limit their vehicular traffic to avoid high traffic hours, particularly when children are traveling to and from school.

6) Overall, we'd like for the City to consider the overall impact to the community and the spirit of the city's regulations. We'd like for the developers to be held accountable.

Thank you.

Justin Deng and Jaime Chang
3219 84th Ave SE
Mercer Island, WA 98040

EXHIBIT 136

Shana Crick

From: Andrea [akeycoach@comcast.net]
Sent: Wednesday, January 22, 2014 8:34 AM
To: Shana Crick
Subject: Coval properties

I have lived on mercer island since 1967 and have not been one to enjoy the changes to our beautiful island Big apartment buildings too close to the street Traffic lights and less trees...but I understand . People want to live here. But why would you allow a singular developer only interested in his profit destroy a neighborhood and impact the environment and general beauty of our island?..? I am speaking of Coval properties and am strongly objecting to the amount of houses and potential impact to the landslide and traffic and beauty to that neighborhood. Please consider a smaller development of that site And we can continue to enjoy our special island
Thank you for your consideration
Andrea danen

Sent from my iPad

EXHIBIT 137

Shana Crick

From: Dick Vacca [rvacca@vonharten.com]
Sent: Wednesday, January 22, 2014 8:39 AM
To: Shana Crick
Cc: drferse@gmail.com
Subject: Coval Property

We have lived at 8220 SE 33rd Place since 1976. Our residence is two blocks south of the Coval property. We have enjoyed the natural beauty and peaceful surroundings of this beautiful neighborhood for 37 years. After reviewing the site plan of the proposed development, a huge part of the natural beauty and peaceful neighborhood will be gone.

I understand that Mr. and Mrs. Coval should be able to sell their property to the purchaser who offers the highest price. On the other hand, I believe the City of Mercer Island has the responsibility to preserve the natural beauty and other key components that have made Mercer Island such a special place to call home. In my opinion, the site plan that I saw in the Reporter does not accomplish this goal.

I urge you to reconsider allowing the development of the Coval property to move forward as proposed.

Respectfully,

Dick Vacca

Richard E. Vacca, CPA
Von Harten & Company, Inc., P.S.
2101 4th Avenue, Suite 2170
Seattle, Washington 98121
(206) 443-1524 (direct)
(206) 443-9705 (fax)
e-mail: rvacca@vonharten.com

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EXHIBIT 138

Shana Crick

From: JaquelineL@aol.com
Sent: Wednesday, January 22, 2014 8:56 AM
To: Shana Crick
Subject: Development of Coval property

Dear Ms. Crick,

Please forward this e-mail to all those who have decision-making authority regarding development of the former Coval property. My family urges you to deny permits for the intended development of 18 homes which would destroy this remaining treasure on Mercer Island. While I recognize that some development is probably inevitable, the goal should be to retain as much of the open and beautiful character of the property, which is so in keeping with its surroundings, including the park across the street. Please do not allow development on the steep slopes or the watercourses. That particular piece of property is part of the history and character of what makes Mercer Island such a wonderful and unique place to live. The development of a large housing development, especially in a hazard area, is antithetical to the land use goals of our island. Please make sure that the land is used in the least destructive way, which preserves the special character of the property.

Thank you,
Jaqueline and Bob Tacher

Jaqueline L. Tacher, PLLC
1000 Second Avenue, Suite 3500
Seattle, WA 98104
(206) 624-5575 office
(206) 624-5565 fax

EXHIBIT 139

Shana Crick

From: Jet Wales [Jet.Wales@mossadams.com]
Sent: Wednesday, January 22, 2014 9:46 AM
To: Shana Crick
Cc: cathywales@comcast.net
Subject: Development and the Coval property

Follow Up Flag: Follow up
Flag Status: Flagged

My name is Harman Wales. My wife and I are 18-year residents of Mercer Island. For the first five years, we lived adjacent to the Coval property at 3215 84th Ave SE. We now live at 4545 Forest Ave.

We are very familiar with the terrain, features, slopes, and general beauty of the Coval property. From an aesthetic point of view, it's a unique and beautiful treasure for Mercer Island. More important than beauty ... the slopes and natural terrain have evolved to a stable and safe balance point. Nature created the terrain in its safest and most stable form. It would be irresponsible for the public servants of Mercer Island to allow this natural setting to be plowed down and leveled, creating unknown risks, all for the purpose of squeezing a few more newly developed houses onto the Coval property. We respectfully request that our public servants in the MI government and City Council review the 1) MI Comprehensive Plan, and also 2) the MI City Code. A clear and important principal of both documents is to conserve and protect the natural beauty of MI ... and to avoid disturbing slopes and watercourses, creating unknown risks in areas vulnerable to slides.

Thank you for pausing and giving careful consideration to the long term goals of MI as stated in the Plan and Code.

Sincerely, Harman Wales
Home Phone: 206-230-5750

...

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EXHIBIT 140

Shana Crick

From: Beverly Greenberg [bevgreenberg@icloud.com]
Sent: Wednesday, January 22, 2014 9:47 AM
To: Shana Crick
Subject: Coval property

Follow Up Flag: Follow up
Flag Status: Flagged

To whom it may concern

I am writing to support a design change for the proposed Coval property development project that would preserve the natural features of this beautiful property while at the same time support a profitable development. As a forty one year resident of Mercer Island, I believe it is incumbent on all of us, both those who are elected and those that are effected by policy, to be good stewards of the unique ecosystem that has drawn us to live on Mercer Island. Serious consideration of the number of allowed homes to be built on this parcel of land is incumbent to this goal.

Thank you for considering my point of view.

Sincerely

Beverly Greenberg
Sent from my iPad

EXHIBIT 141

Shana Crick

From: Richard, Deborah Ferse [drferse@gmail.com]
Sent: Wednesday, January 22, 2014 11:50 AM
To: Shana Crick
Subject: attn Kathy Parker
Attachments: eagles Coval 1225.doc

Follow Up Flag: Follow up
Flag Status: Flagged

Hello, Kathy

We are forwarding to you a couple of pictures of the big fir tree at the "Y" in the center of Coval with a pair of eagles in it on Christmas Day. Meant to send it earlier, but with today being the last day for "comments" on Coval, we wanted to have it appear in the record on behalf of trees and eagles everywhere!!

Thank you. Deb & Dick Ferse 3203-84th AVE SE Mercer Island

My wife and I were taking a walk on the gorgeous Christmas Day last month, watching all the birds and wildlife in our quiet neighborhood, when we heard the loud screeching of eagles. They were nearly overhead, perched on a limb on "the tree" in the middle of the Coval property.

We appreciate that the current plan is to preserve this tree at the center proposed development and we are sure that the eagles appreciate it as well. We wanted to share this picture with Kathy Parker, City Arborist, since she has spoken fondly of this tree. We thank her for caring about this and all trees and hope that she will be able to help save it and many others on the property as further plans are developed.

We included the picture from a distance for perspective and one zoomed in. We didn't see the eagles hunting on the property that day, but have in the past.

Please include this in the record for the Planning Commission Meeting. For the eagles!

Thank you. Deb and Dick Ferse 3203-84th Ave SE Mercer Island





Shana Crick

From: Richard, Deborah Ferse [drferse@gmail.com]
Sent: Wednesday, January 22, 2014 10:57 AM
To: Shana Crick
Subject: note to MI Staff and Planning Comm.
Attachments: Coval sign 2.doc

Follow Up Flag: Follow up
Flag Status: Flagged

I have attached a note that I wish to be part of the record for the Planning Commission.

Thank you. Richard Ferse 3203-84th AVE SE Mercer Island

Mercer Island City Staff and Planning Commissioners;

There is a simple, but important issue that I would like to bring to your attention for future reference. Attached is a photo, taken on Dec. 8, 2013, of the required sign announcing the Proposed Land Use Action on the Coval property.

While this 2' by 3' sign may technically meet size requirements, it lacks some useful information. The attached box, that takes up most of the space on the sign, I understand contained some printed flyers when it was put in place, but was empty by the time I saw it on Dec. 4 and remained empty until flyers were put in again on Jan. 16, 2014.

On my walks by this area, I was stopped by 2 different drivers who asked me what the sign referred to. Other neighbors report similar occurrences. Please be aware that citizens do seek information from these signs. Others I have seen elsewhere are larger and contain information printed on the sign to prevent a situation where flyers are all removed and no real notice provided as a result.

Thank you for your attention.

Sincerely Richard Ferse 3203-84th AVE SE Mercer Island



Shana Crick

From: Richard, Deborah Ferse [drferse@gmail.com]
Sent: Wednesday, January 22, 2014 10:03 AM
To: Shana Crick
Subject: comment to Planning Commission
Attachments: Ridgetop Removal #5.doc

Follow Up Flag: Follow up
Flag Status: Flagged

Commissioners; Please accept these comments about the risks of altering the steep slope on the west and the associated stormwater issues. Thank you.

Sincerely; Richard and Deborah Ferse 3203-84 Ave SE Mercer Island

The presentation by Jay Derr, the attorney for the Coval Property developer, made an important point during his presentation early in the Hearing. He stressed that the steep slope on the west of the property will be made less dangerous by taking the top off of it. But let's be honest here. **The real reason they want to excavate 12 ft. off of this ridge, is to create four more lots to sell.** Nature has spent the last 10,000 years stabilizing this hillside. It is not likely to go anywhere if it is left alone, trees and all. There clearly is another way to increase odds that this 50 degree slope stays put during construction on the Coval property. Houses can be built on the backside of the ridge, well away from the ridgeline, and there is still room for plenty of development and profits. The slope could be left undisturbed to handle the forces of nature as it has for millennia. The City of Mercer Island can honor its commitment that "the protection of the environment will continue to be a priority in all Island development" AND "achieve additional residential capacity in single family zones through flexible land use techniques. They got in right when writing the Comprehensive Plan. It IS all about achieving a balance.

This is a complex issue of geologic engineering when one starts with the assumption that the City of Mercer Island has to allow the developer to maximize the yield from a piece of land. As noted on City Hazard Maps, all 3 of Mercer Island's designated Hazard Areas are present on the Coval property. It is a Steep Slope, a Landslide Hazard Area, and an Erosion Hazard Area. Many conditions have to be met for the City to allow such an area to be disturbed. Many of these have been addressed in the Geotech and Hydrology reports that the developer obtained. The impression that is difficult to dismiss upon reading these reports is the "best guess" character of the conclusions reached. The Geology report, for instance, is required by the City to have a "Statement of Risk" in its conclusions. Risk vs. reward, again, it's about balance.

Geotech plans have dealt with the runoff issues involving these 4 lots starting in the Spring of '13, when plans called for bioretention areas to deal with runoff. This was followed by a revision, in July, that proposed infiltration trenches on 3 of the 4 lots. Now, at the hearing it is revealed that the trenches are to be eliminated and all drainage piped into the main stormwater retention facility before flowing into the ditch on 84th. While these changes make it difficult to evaluate the drainage functions of the site, it is helpful to hear that the developer and his geotech consultant are willing to address new information as it becomes available and redesign the drainage plan accordingly. As a neighbor, however, it is a bit disconcerting to find that the conditions on and near the steep slope are so difficult to define and that water management under these conditions is such an inexact science. We are left to wonder whether there is a "right" answer for the question of what to do with all this water and a slope that lies within 3 Hazard Areas.

The reason for redesigning this aspect of the Project several times appears to be an ongoing concern for the stability of the slope and not just a matter of dealing with the water. If the slope may or may not be capable of dealing with infiltration of water from a disturbed surface, how is it certain that taking the top off the ridge will render it more stable as indicated by Mr. Derr? The proposed actions are less than reassuring:

RidgeTop Removal

- 1) grading the surface on and near the slope to remove 10-12 feet of soil from the top and redistribute it to lower ground to the East
- 2) digging several feet further down for basements and foundations with the dynamic loads that involves,
- 3) adding the static loads of 4 homes and associated improvements,
- 4) placing that new load on a pad that extends 30 feet to the west onto what is now the face of a very steep slope, and
- 5) removing the root systems of many of the trees and other vegetation that are helping to hold the earth on this slope in place.

The City calls this an “alteration within geologic hazard areas”. These major revisions of the hillside should not reassure the City, neighbors, or the hundred, or so, residents that live immediately below in King County housing. Will this very steep slope be stable enough to withstand the various hazards described on the MI maps? The available Geotech report attempts to answer this question. It arrives at what is called a “safety factor” after analyzing the many variables that are taken into account. This safety factor then allows the Geotech consultant to make a “Statement of Risk”. Various safety factors are arrived at as assumptions are made about the magnitude of potential earthquakes, the types of soil, the loads placed on the slope, etc. One conclusion that is difficult to ignore in reviewing the various numbers is that, in all conditions, the slope is less safe, by a significant factor, after alteration than it is now.

Again, let's be honest. The reason investors and developer want to take off the top of the ridge is not to stabilize the slope and lessen it's load. It is to gain the additional square footage that is allowed by pushing the boundary of flat buildable land well to the west, (more than 30 feet, in fact, according to their topo maps.) This could provide them the opportunity of adding 4 more lots to an already crowded long plat. It is about maximizing building sites, not stabilizing this fragile Hazard Area as Mr. Derr would have us believe. All 3 of the MI Hazard Areas (Steep Slope, Landslide, and Erosion) overlap at this site.

We would ask that the Planning Commission and the Mercer Island City Council treat this concern with the full attention and respect deserved by citizens and developers alike. This proposed development is about financial interests, but it is also about the City of Mercer Island's responsibility to it's citizens, the environment, and to the safety of residents. Thank you.

Richard & Deborah Ferse 3203 84th AVE SE Mercer Island

footnote: the proposed grading, if stable, will open up the views of Lake Washington from our property, so this is not simply a NIMBY comment

EXHIBIT 142

Shana Crick

From: tdonner98@gmail.com
Sent: Wednesday, January 22, 2014 10:16 AM
To: Shana Crick
Subject: Coval property development

Follow Up Flag: Follow up
Flag Status: Flagged

My family & I are 30 year residents of Mercer Island. We are against any development on this property in the scope that is proposed. The development should be blocked!

Mr & Mrs William Donner

Sent from my iPhone

EXHIBIT 143

Shana Crick

From: dianeedmonds [dianeedmonds234@gmail.com]
Sent: Wednesday, January 22, 2014 10:22 AM
To: Shana Crick
Cc: drferse@gmail.com
Subject: Former Coval property development

Follow Up Flag: Follow up
Flag Status: Flagged

To the Mercer Island City Council,

My husband, Albert Edmonds , and I are concerned to learn of the development plans for the former large piece of property formerly owned by the Covals . We encourage the City Council of Mercer Island to carry out its duty to refuse construction on designated steep slopes and land that has watercourse issues. This property will be leveled to a flat building site for far more houses than the city should allow. 18 houses are proposed for a natural, beautiful undulating site which could accommodate half the proposed number. The 18 house plan will force the builders to disregard the danger of building near or on a steep slope and will cause them to build on land that is next to or on a known watercourse.

A large number of interested Mercer Island citizens are concerned that the City of Mercer Island is willing to give permission for excessive and poorly planned building on the former Covar land endangering neighbors , over impacting property on the island and , and not acting within the City Code to maintain natural beauty of property.

It is within the power of the City Council to not accept the current plans for developing the former Covar property. If the property is to be developed, please protect the citizens of the island and the unique environment of the island by limiting the number of houses on this property to 9, not allowing any endangerment to the steep slopes and accommodating the natural water course that exists.

Please continue your duty to the citizens of Mercer Island and limit the construction on the former Covar property so that it is safe and maintains the natural beauty of our island.

Sincerely,

Diane and Albert Edmonds
2764 71st Ave SE
Mercer Island, Wa 98040

206-230-0930

EXHIBIT 144

Shana Crick

From: Patrick Yamashita
Sent: Wednesday, January 22, 2014 10:30 AM
To: 'Chris Forster'
Cc: 'haynie@tenw.com'; Shana Crick
Subject: RE: collisions
Attachments: 84th Ave. SE 5-Year Collision Summary.pdf; SE 28th St 5-Year Collision Summary.pdf; Accident report 3295052 on 84th Ave SE.pdf; Accident report 3295348 on SE 28th St.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Here's what I was able to pull together quickly. I had our staff query our collision database for 84th Ave. SE and also SE 28th Street. It pulled up all collisions on those roadways without an address range. It appears that there was only one collision each in the general area for SE 28th St. and 84th Ave. SE. I've attached the collision summaries for both roadways and the two relevant accident reports.

Patrick

-----Original Message-----
From: Chris Forster [<mailto:forster@tenw.com>]
Sent: Wednesday, January 22, 2014 9:44 AM
To: Patrick Yamashita
Cc: haynie@tenw.com
Subject: RE: collisions

Patrick-
Any new collision data yet?
Thx
Chris

-----Original Message-----
From: Patrick Yamashita [<mailto:Patrick.Yamashita@mercergov.org>]
Sent: Tuesday, January 21, 2014 10:05 AM
To: Chris Forster
Subject: FW: Scanned from a Xerox Multifunction Device

Here's the accident report.

Patrick

-----Original Message-----
From: xerox
Sent: Tuesday, January 21, 2014 8:43 AM
To: Patrick Yamashita
Subject: Scanned from a Xerox Multifunction Device

Please open the attached document. It was scanned and sent to you using a Xerox Multifunction Device.

Attachment File Type: pdf, Multi-Page

Multifunction Device Location: DSG_Copier
Device Name: XRX9C934E1B65D3

For more information on Xerox products and solutions, please visit <http://www.xerox.com>

City of Mercer Island
Transportation Engineering Section

Collision Report Summary

1/21/2014

Date Range Reported: 1/1/09 - 1/31/14

Total Number of Collisions: 25

Page 1

Report#	Date	Time	Location	Dist.	Dir.	Type of Collision	Direction from (unit 1)	Veh. Actions (unit 1)	Direction from (unit 2)	Veh. Actions (unit 2)	Weather	Inj.	Kil.
2442027	2/24/09	9:02	Se 28th St & Se 81st Pl	50'	East	Other	West	Going Straight Ahead	East	Going Straight Ahead	Raining	0	0
2512134	3/14/09	17:45	Se 28th St & 60th Ave Se	60'	East	Parked Vehicle / Fixed Object	South	Making Right Turn			Raining	0	0
2512197	6/3/09	17:00	Se 28th St &	'		Backing	SE	Backing	North	Going Straight Ahead	Clear / Partly Cloudy	0	0
3294868	3/17/10	8:00	Se 28th St & Se 30th St	100'	North	Parked Vehicle / Fixed Object					Clear / Partly Cloudy	0	0
3294873	4/28/10	15:00	Se 28th St & 78th Ave Se	'		Parked Vehicle / Fixed Object					Raining	0	0
3294979	5/26/10	7:55	Se 28th St & Parking Lot Of 7823 Se 28th St	'		Backing					Raining	0	0
3295078	8/17/10	13:30	Se 28th St & 80th Ave Se	75'	West	Parked Vehicle / Fixed Object					Clear / Partly Cloudy	0	0
3295101	10/19/10	12:28	Se 28th St & 78th Ave Se	110'	East	Parked Vehicle / Fixed Object					Clear / Partly Cloudy	0	0
3295127	10/28/10	21:31	Se 28th St & 78th Ave Se	40'	East	Other					Overcast	0	0
3295032	10/31/10	10:16	Se 28th St & 78th Ave Se	'		Parked Vehicle / Fixed Object					Clear / Partly Cloudy	0	0
3295033	11/8/10	10:37	Se 28th St & 80th Ave Se	'		Backing					Clear / Partly Cloudy	0	0
3295133	12/24/10	10:27	Se 28th St & 78th Ave Se	'		Pedestrian / Bicycle Involved					Overcast	0	0
3295069	1/10/11	16:40	Se 28th St & 80th Ave Se	0'	In Int.	Sideswipe / Lane Change					Clear / Partly Cloudy	0	0
3294896	7/29/11	15:30	Se 28th St & 80th Ave Se	100'	West	Backing					Clear / Partly Cloudy	0	0

Report#	Date	Time	Location	Dist.	Dir.	Type of Collision	Direction from (unit 1)	Veh. Actions (unit 1)	Direction from (unit 2)	Veh. Actions (unit 2)	Weather	Inj.	Kil.
E125145	9/13/11	15:00	Se 28th St &	0'	In Int.	Backing					Clear / Partly Cloudy	0	0
3295217	10/28/11	17:41	Se 28th St &	'		Backing					Clear / Partly Cloudy	0	0
E150023	1/22/12	10:00	Se 28th St & Qfc 7823 Se 28th St	150'	East	Right Angle / Broadside					Raining	0	0
E172408	5/29/12	13:26	62nd Ave Se & Se 28th St	0'	In Int.	Right Angle / Broadside					Clear / Partly Cloudy	0	0
3295172	2/15/13	10:00	78th Ave Se & Se 28th St	0'	In Int.	Parked Vehicle / Fixed Object					Unknown	0	0
E232936	3/16/13	18:00	Island Crest Way & Se 28th St	0'	In Int.	Right Angle / Broadside					Clear / Partly Cloudy	0	0
3295395	3/30/13	18:13	Se 28th St & 62nd Ave Se	'		Right Angle / Broadside					Clear / Partly Cloudy	0	0
3295304	8/27/13	9:38	Se 28th St & 80th Ave Se	150'	West	Backing					Clear / Partly Cloudy	0	0
3295309	9/23/13	10:17	Se 28th St & 78th Ave Se	100'	East	Parked Vehicle / Fixed Object					Overcast	0	0
E276578	10/10/13	13:42	Island Crest Way & Se 28th St	0'	In Int.	Right Angle / Broadside					Overcast	0	0
3295348	1/5/14	10:15	Se 28th St & 81st Pl Se	100'	East	Parked Vehicle / Fixed Object					Clear / Partly Cloudy	0	0

This appears to be the only collision in the project vicinity. It's the one mentioned at the Planning Commission meeting. Vehicle lost control due to icy road.

Settings Used For Query

<u>Parameter</u>	<u>Setting</u>
Street Name	SE 28TH ST
Starting Date	1/1/2009
Ending Date	1/31/2014
Distance from Intersection	>= 0' for non rear-end collisions
	>= 0' for rear-end collisions

City of Mercer Island
Transportation Engineering Section

Collision Report Summary

1/21/2014

Date Range Reported: 1/1/09 - 1/31/14

Total Number of Collisions: 11

Page 1

Report#	Date	Time	Location	Dist.	Dir.	Type of Collision	Direction from (unit 1)	Veh. Actions (unit 1)	Direction from (unit 2)	Veh. Actions (unit 2)	Weather	Inj.	Kil.
2442040	6/13/09	23:40	Se 63rd St & 84th Ave Se	0'	In Int.	Parked Vehicle / Fixed Object	East	Going Straight Ahead			Clear / Partly Cloudy	0	0
3295052	7/14/10	16:50	84th Ave Se & Se 37th St	'		Sideswipe / Lane Change					Clear / Partly Cloudy	0	0
3295136	12/23/10	20:59	84th Ave Se & Se 57th St	0'	In Int.	Parked Vehicle / Fixed Object					Overcast	0	0
3295205	6/18/11	21:00	Se 24th St & 84th Ave Se	0'	In Int.	Parked Vehicle / Fixed Object					Unknown	0	0
E120262	8/16/11	10:00	84th Ave Se & Se 82nd St	0'	In Int.	Approach Turn					Clear / Partly Cloudy	0	0
E154760	2/15/12	21:35	84th Ave Se & Se 24th St	500'	North	Parked Vehicle / Fixed Object					Clear / Partly Cloudy	0	0
E226459	2/12/13	7:46	84th Ave Se & Se 71st St	0'	In Int.	Other					Raining	0	0
3295366	5/24/13	10:42	84th Ave Se & Se 26th St	300'	South	Parked Vehicle / Fixed Object					Clear / Partly Cloudy	0	0
3295327	7/13/13	12:00	84th Ave Se &	'		Parked Vehicle / Fixed Object					Clear / Partly Cloudy	0	0
3295315	10/22/13	15:23	Se 71st St & 84th Ave Se	0'	In Int.	Pedestrian / Bicycle Involved					Clear / Partly Cloudy	0	0
3295346	12/27/13	20:13	84th Ave Se & Se 78th St	0'	In Int.	Right Angle / Broadside					Overcast	0	0

This appears to be the only collision in the project vicinity. The accident report indicates that it was a failure to yield by a vehicle coming out of the church parking lot.

Settings Used For Query

<u>Parameter</u>	<u>Setting</u>
Street Name	84TH AVE SE
Starting Date	1/1/2009
Ending Date	1/31/2014
Distance from Intersection	>= 0' for non rear-end collisions
	>= 0' for rear-end collisions



STATE OF WASHINGTON
POLICE TRAFFIC
COLLISION REPORT



1591971

REPORT NO. 3295052

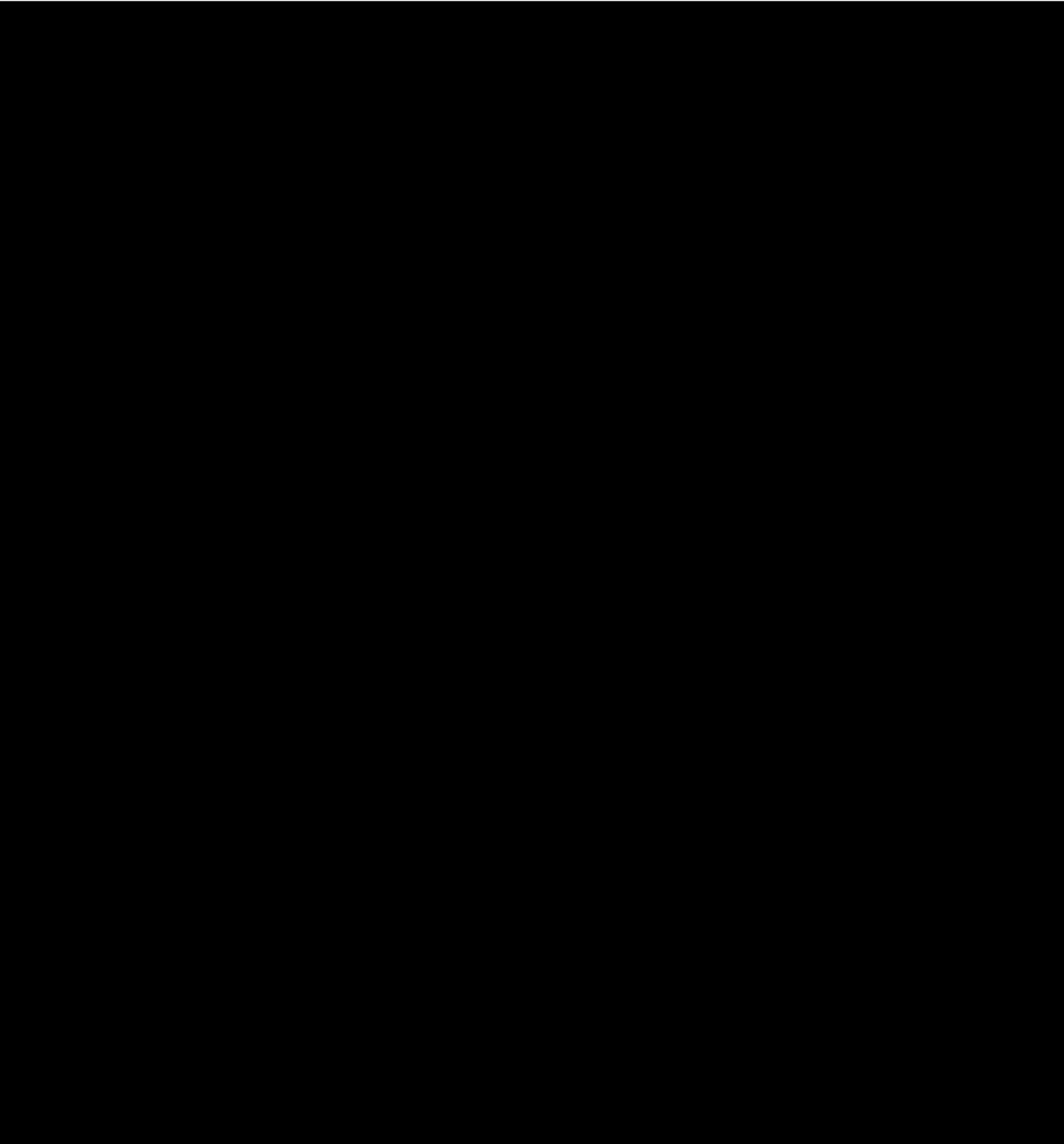
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INTERSTATE <input type="checkbox"/>	CITY STREET <input checked="" type="checkbox"/>	FIRE RESULTED <input type="checkbox"/>
STATE ROUTE <input type="checkbox"/>	OTHER <input type="checkbox"/>	STOLEN VEHICLE <input type="checkbox"/>
COUNTY RD <input type="checkbox"/>	PRIVATE WAY <input type="checkbox"/>	HIT & RUN INVOLVED <input type="checkbox"/>

CASE #	2010-6709		
LOCAL AGENCY CODING			
TOTAL # OF UNITS	2	OBJECT STRUCK	VEHICLES

TRIBAL RESERVATION															
DATE OF COLLISION	M	M	D	D	Y	Y	Y	Y	TIME (2400)	COUNTY #	MILES	N	E	IN	CITY #
07-14-2010									1650	17					0763

ON (PRIMARY TRAFFIC WAY)	INTERSECTION <input checked="" type="checkbox"/>	NON-INTERSECTION <input type="checkbox"/>	BLOCK NO.		
84 AVE SE			MILE POST		
DISTANCE	MILES	N	E	OF (REFERENCE OR CROSS STREET)	
				SE 37	



OFFICER'S NAME (PRINT)	Brian Noel	BADGE OR ID #	115	AGENCY	M120
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STATE OF WASHINGTON
POLICE TRAFFIC
COLLISION REPORT



1591972

CORRECTION ☐

REPORT NO. 3295052

CASE # 2010-6709

ADDITIONAL PERSONS INVOLVED (PASSENGERS AND/OR WITNESSES ONLY)

NAME
(LAST, FIRST, MIDDLE INITIAL)

ADDRESS & PHONE #

SEX

D.O.B.
MMDDYYYY

PASSENGER ☐

WITNESS ☐

UNIT #

SEAT
POS.

AIRBAG

RESTR.

EJECT

HELMET
USE

INJURY
CLASS

NATURE OF INJURIES

NAME
(LAST, FIRST, MIDDLE INITIAL)

ADDRESS & PHONE #

SEX

D.O.B.
MMDDYYYY

PASSENGER ☐

WITNESS ☐

UNIT #

SEAT
POS.

AIRBAG

RESTR.

EJECT

HELMET
USE

INJURY
CLASS

NATURE OF INJURIES

NAME
(LAST, FIRST, MIDDLE INITIAL)

ADDRESS & PHONE #

SEX

D.O.B.
MMDDYYYY

PASSENGER ☐

WITNESS ☐

UNIT #

SEAT
POS.

AIRBAG

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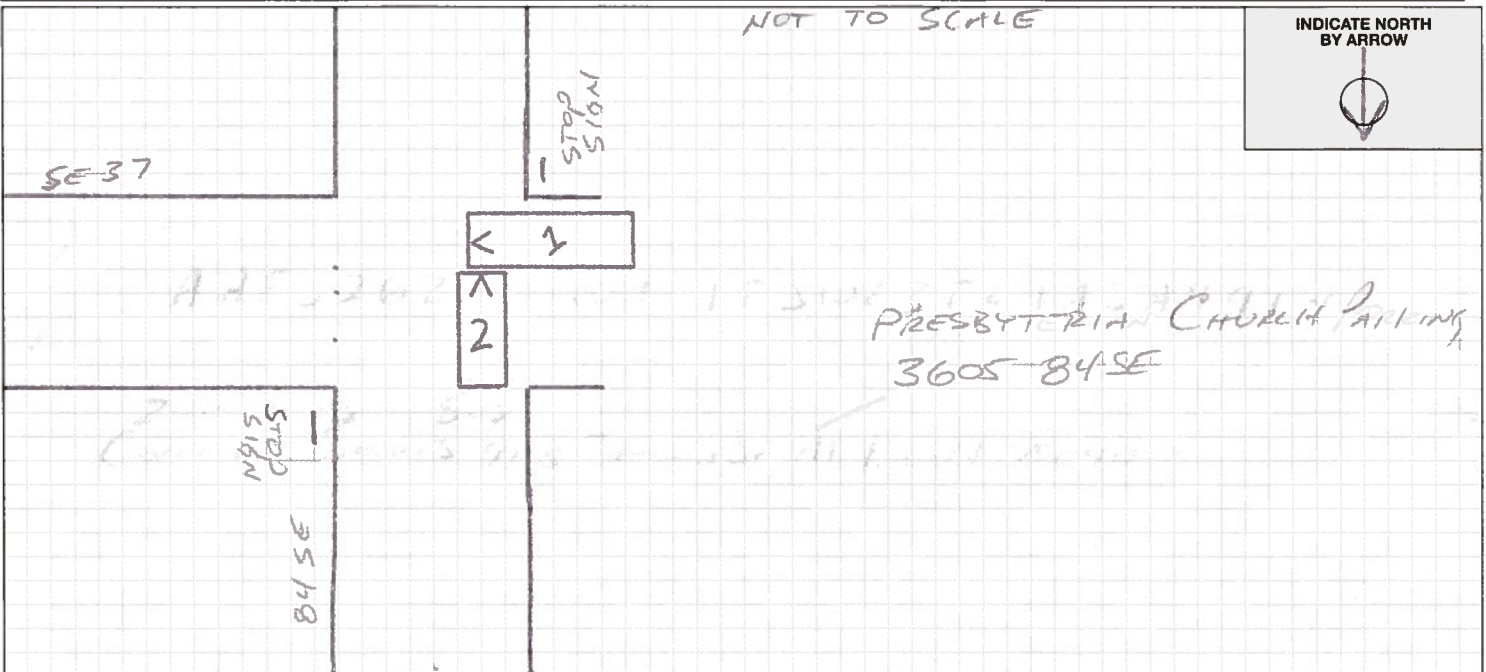
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CLASS

NATURE OF INJURIES

DIAGRAM



NARRATIVE

VEH #1 WAS EAST BOUND OUT OF THE CHURCH PARKING LOT AT THE EXIT IN THE 3700 BLOCK OF 84 SE. VEH #1 CAME TO A STOP AT THE STOP SIGN AT THIS PARKING LOT EXIT. VEH #2 WAS SOUTH BOUND ON 84 SE, APPROACHING THE 3700 BLOCK. VEH #1 BEGAN TO PULL OUT ONTO 84 SE, FAILING TO YIELD TO VEH 2. VEH 2 WAS ABLE TO STOP, WITH APPROX 1 INCH BETWEEN THE TWO VEHICLES, THE DRIVER OF VEH 1 THEN PULLED FORWARD, AND THE TWO VEHICLES RUBBED TOGETHER. BOTH DRIVERS GAVE SAME ACCOUNT OF EVENTS.

I CERTIFY (DECLARE) UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT. (RCW 9A.72.085)

INVESTIGATING OFFICER'S SIGNATURE	PATROL	7/14/10	PLACE SIGNED
APPROVED BY	UNIT OR DIST. DET	DATE	DATE
BADGE OR ID #	ORI #	TIME POLICE DISPATCHED	TIME POLICE ARRIVED



STATE OF WASHINGTON
POLICE TRAFFIC
COLLISION REPORT



1591971

REPORT NO. 3295348

City

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INTERSTATE <input type="checkbox"/>	CITY STREET <input checked="" type="checkbox"/>	FIRE RESULTED <input type="checkbox"/>
STATE ROUTE <input type="checkbox"/>	OTHER <input type="checkbox"/>	STOLEN VEHICLE <input type="checkbox"/>
COUNTY RD <input type="checkbox"/>	PRIVATE WAY <input type="checkbox"/>	HIT & RUN INVOLVED <input type="checkbox"/>

TRIBAL RESERVATION

DATE OF COLLISION M M D D Y Y Y Y 01-05-2014

CASE # 2014-0136

LOCAL AGENCY CODING

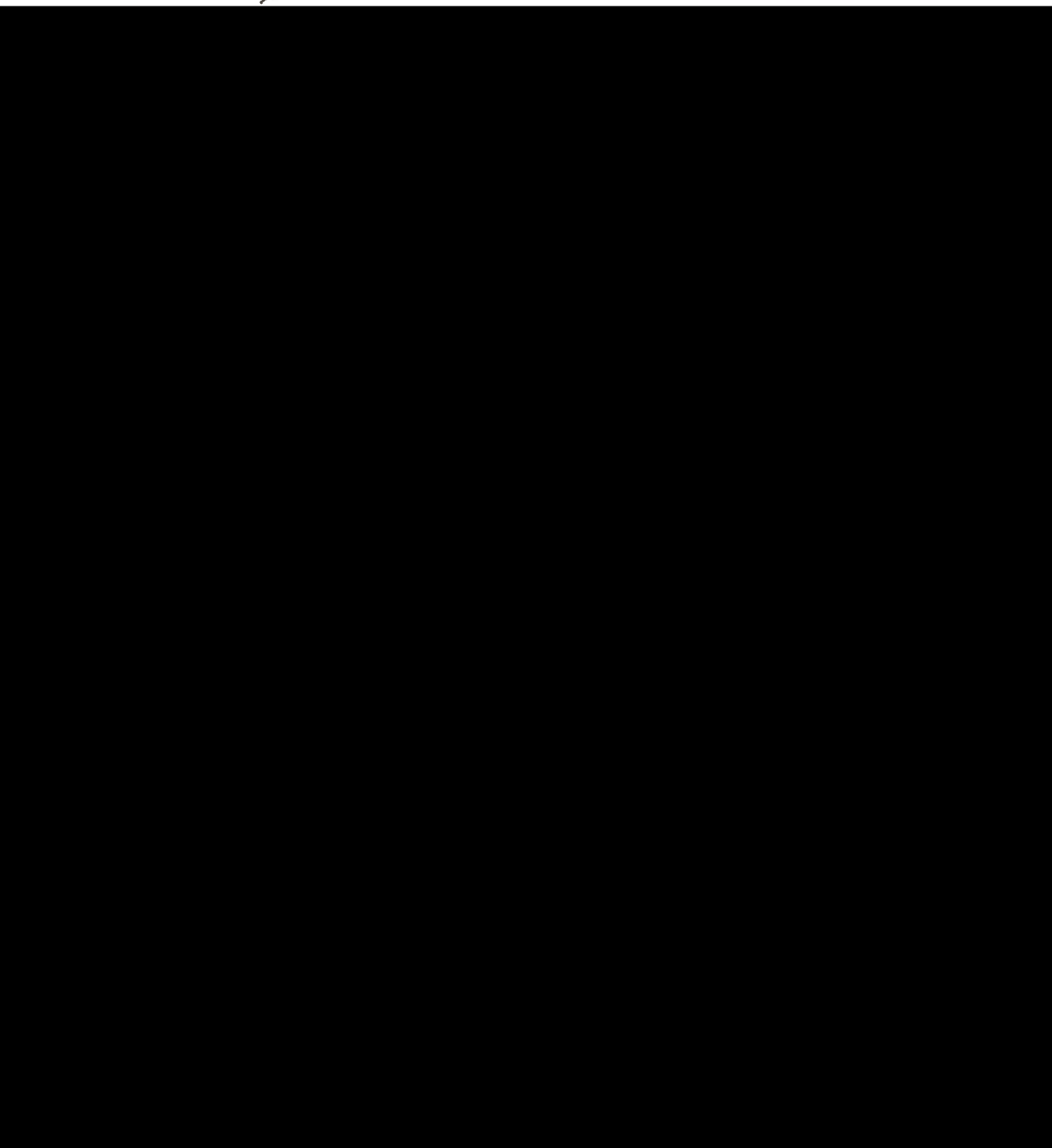
TOTAL # OF UNITS 1 OBJECT STRUCK STREET SIGN TREE FENCE

TIME (2400) COUNTY # MILES

DATE OF COLLISION N E S W IN OF 0763

ON (PRIMARY TRAFFIC WAY) INTERSECTION ☐ NON-INTERSECTION ☒ SE 28 BLOCK NO. 8200

DISTANCE 100 MILES ☐ N ☐ E ☒ S ☐ W OF (REFERENCE OR CROSS STREET) 81 PL SE



OFFICER'S NAME (PRINT) Brian Noel BADGE OR ID # 115 AGENCY MMIPS



STATE OF WASHINGTON
POLICE TRAFFIC
COLLISION REPORT



1591972

CORRECTION ☐

REPORT NO. 3295348

CASE # 2014-0136

ADDITIONAL PERSONS INVOLVED (PASSENGERS AND/OR WITNESSES ONLY)

NAME
(LAST, FIRST, MIDDLE INITIAL)

ADDRESS & PHONE #

SEX

D.O.B.
MMDDYYYY

PASSENGER ☐

WITNESS ☐

UNIT #

SEAT
POS.

AIRBAG

RESTR.

EJECT

HELMET
USE

INJURY
CLASS

NATURE OF INJURIES

NAME
(LAST, FIRST, MIDDLE INITIAL)

ADDRESS & PHONE #

SEX

D.O.B.
MMDDYYYY

PASSENGER ☐

WITNESS ☐

UNIT #

SEAT
POS.

AIRBAG

RESTR.

EJECT

HELMET
USE

INJURY
CLASS

NATURE OF INJURIES

NAME
(LAST, FIRST, MIDDLE INITIAL)

ADDRESS & PHONE #

SEX

D.O.B.
MMDDYYYY

PASSENGER ☐

WITNESS ☐

UNIT #

SEAT
POS.

AIRBAG

RESTR.

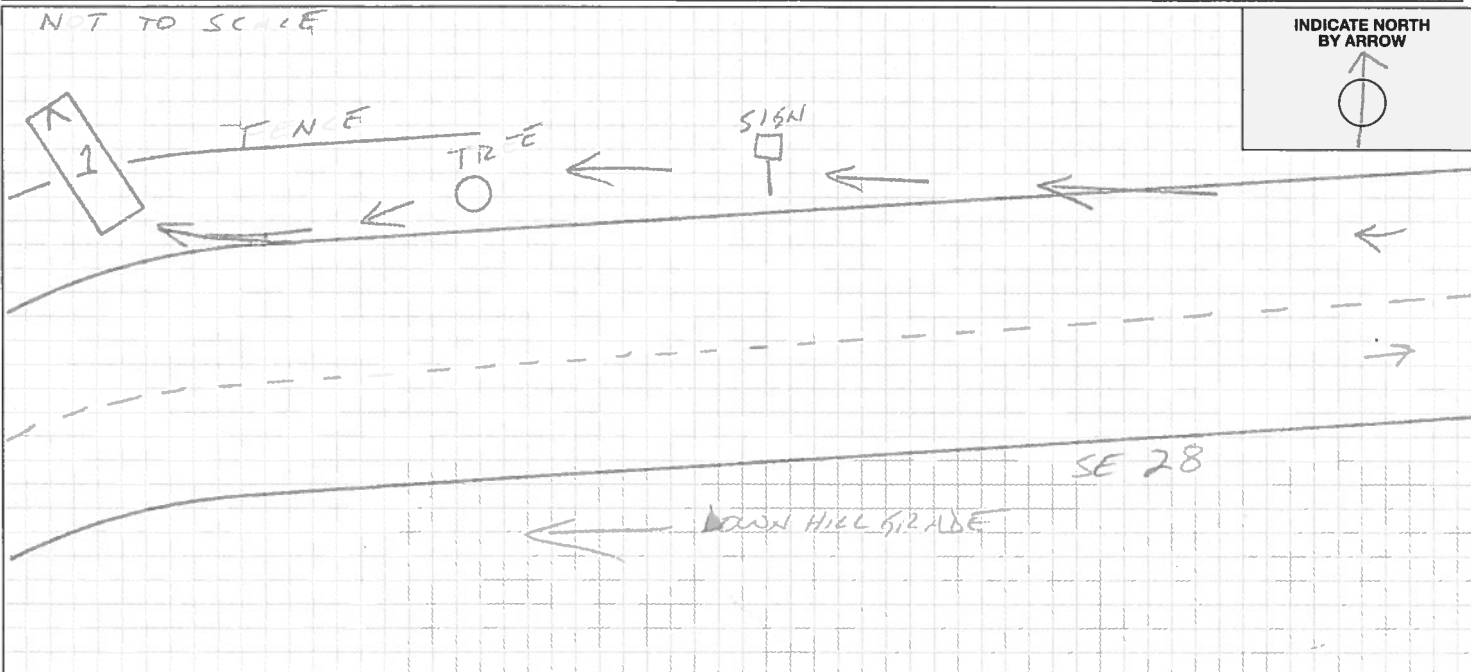
EJECT

HELMET
USE

INJURY
CLASS

NATURE OF INJURIES

DIAGRAM



NARRATIVE

DRIVER OF VEH #1 SAID SHE WAS DRIVING WEST ON SE 28 IN THE 8200 BLOCK, WHEN SHE HIT ICE ON THE ROADWAY & LOST CONTROL OF HER VEHICLE. SHE SLID DOWN HILL, OVER THE CURB, OVER A STREET SIGN, OVER A SMALL TREE, AND THROUGH A METAL FENCE.

I CERTIFY (DECLARE) UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT. (RCW 9A.72.085)

INVESTIGATING OFFICER'S SIGNATURE

UNIT OR DIST. DET

DATED

PLACE SIGNED

APPROVED BY

DATE

BADGE OR ID #

115

ORI #

CUA 170900

TIME POLICE DISPATCHED

TIME POLICE ARRIVED



STATE OF WASHINGTON
POLICE TRAFFIC
COLLISION REPORT



1591971

REPORT NO. 3295348

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INTERSTATE <input type="checkbox"/>	CITY STREET <input checked="" type="checkbox"/>	FIRE RESULTED <input type="checkbox"/>
STATE ROUTE <input type="checkbox"/>	OTHER <input type="checkbox"/>	STOLEN VEHICLE <input type="checkbox"/>
COUNTY RD <input type="checkbox"/>	PRIVATE WAY <input type="checkbox"/>	HIT & RUN INVOLVED <input type="checkbox"/>

TRIBAL RESERVATION

CASE # 2014-0136

LOCAL AGENCY CODING

TOTAL # OF UNITS 1 OBJECT STRUCK STREET SIGN TREE FENCE

DATE OF COLLISION 01-05-2014 101517 TIME (2400) COUNTY # MILES CITY #

N ☐ E ☐ IN ☒ S ☐ W ☐ OF 0763

ON (PRIMARY TRAFFIC WAY) INTERSECTION ☐ NON-INTERSECTION ☒

SE 28 BLOCK NO. 8200

DISTANCE 100 MILES ☐ N ☐ E ☒ FEET ☒ S ☐ W 81 PL SE

UNIT 01 MOTOR VEHICLE ☒ PEDAL-CYCLE ☐ DAMAGE THRESHOLD MET YES ☒ NO ☐ PHONE 206 669 6098

LAST NAME ABE FIRST NAME LYANNE MIDDLE INITIAL S

STREET NEW ADDRESS 8225 SE 34

CITY 1116 RICER BLVD ST WA ZIP 98040

CDL ENDORSEMENTS RESTRICTIONS

DRIVER'S LICENSE # ABEXXLS104RT STATE WA SEX F D.O.B. 12-30-1990

ON DUTY ☐ STATUS AIRBAG 2 RESTR. 4 EJECT 1 HELMET USE INJURY CLASS 1 NATURE OF INJURIES

LICENSE PLATE # 465WKA STATE WA VIN# 9HMF A362275002928

TRAILER PLATE # STATE TRAILER PLATE # STATE

VEH. YEAR 2007 MAKE HONDA MODEL CIV STYLE 43 VEHICLE TOWED YES ☐ NO ☒ TOWED BY GOVT. VEHICLE YES ☐ NO ☐

REGISTERED OWNER INFO. ABE, RICHARD 8225 SE 34 A1.1 WA 98040

LIABILITY INSURANCE IN EFFECT ☒ INSURANCE CO & POLICY # ALLSTATE CITATION # CHARGE

VEHICLE LEGALLY STANDING YES ☐ NO ☐



UNIT 02 MOTOR VEHICLE ☐ PEDAL-CYCLE ☐ PEDESTRIAN ☐ PROPERTY OWNER ☐ DAMAGE THRESHOLD MET YES ☐ NO ☐ PHONE

LAST NAME FIRST NAME MIDDLE INITIAL

STREET NEW ADDRESS

CITY ST ZIP

CDL ENDORSEMENTS RESTRICTIONS

DRIVER'S LICENSE # STATE SEX D.O.B. MMDDYYYY

ON DUTY ☐ STATUS AIRBAG RESTR. EJECT HELMET USE INJURY CLASS NATURE OF INJURIES

LICENSE PLATE # STATE VIN#

TRAILER PLATE # STATE TRAILER PLATE # STATE

VEH. YEAR MAKE MODEL STYLE VEHICLE TOWED YES ☐ NO ☐ TOWED BY GOVT. VEHICLE YES ☐ NO ☐

REGISTERED OWNER INFO.

LIABILITY INSURANCE IN EFFECT ☐ INSURANCE CO & POLICY # CITATION # CHARGE

VEHICLE LEGALLY STANDING YES ☐ NO ☐



OFFICER'S NAME (PRINT) BRIAN NOEL BADGE OR ID # 115 AGENCY MIPDS



STATE OF WASHINGTON
POLICE TRAFFIC
COLLISION REPORT



1591972

CORRECTION ☐

REPORT NO.

3295348

CASE #

2014-0136

ADDITIONAL PERSONS INVOLVED (PASSENGERS AND/OR WITNESSES ONLY)

NAME
(LAST, FIRST, MIDDLE INITIAL)

ADDRESS & PHONE #

SEX

D.O.B.
MMDDYYYY

PASSENGER ☐

WITNESS ☐

UNIT #

SEAT
POS.

AIRBAG

RESTR.

EJECT

HELMET
USE

INJURY
CLASS

NATURE OF INJURIES

NAME
(LAST, FIRST, MIDDLE INITIAL)

ADDRESS & PHONE #

SEX

D.O.B.
MMDDYYYY

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UNIT #

SEAT
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AIRBAG

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SEX

D.O.B.
MMDDYYYY

PASSENGER ☐

WITNESS ☐

UNIT #

SEAT
POS.

AIRBAG

RESTR.

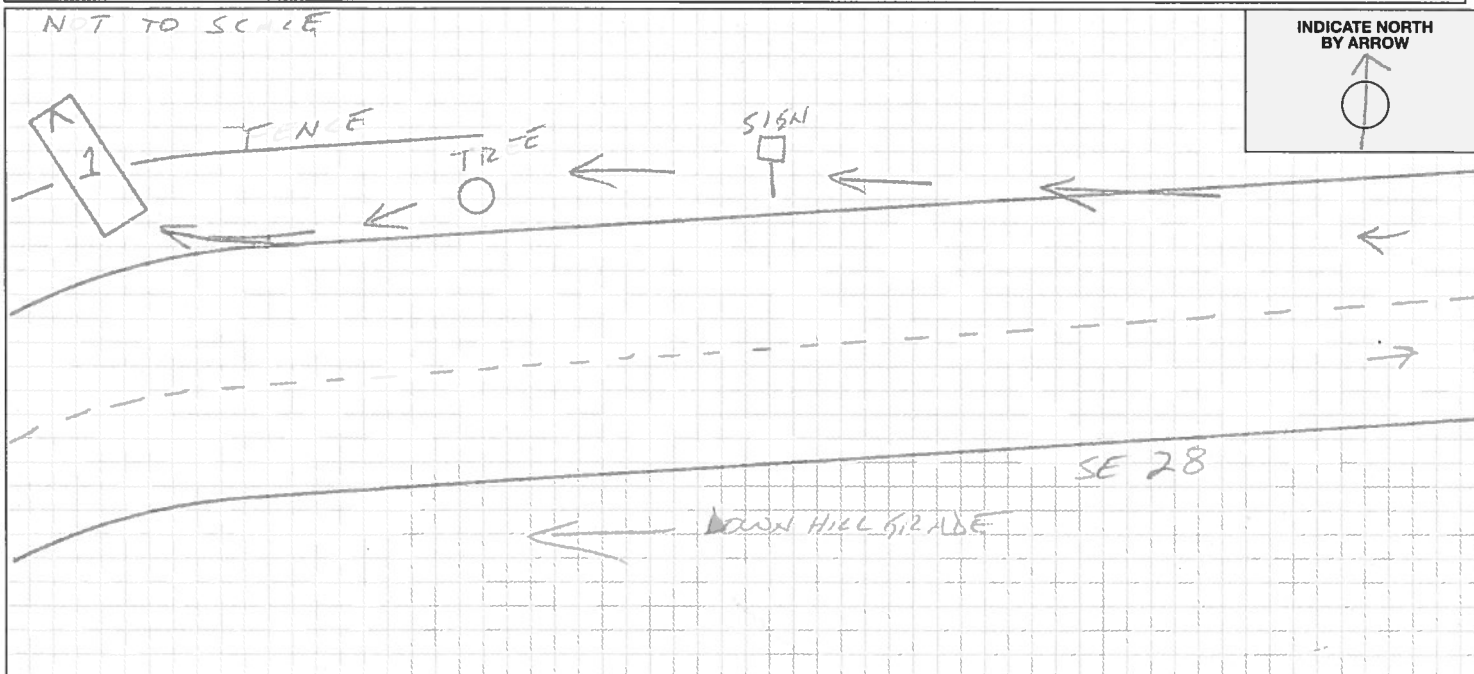
EJECT

HELMET
USE

INJURY
CLASS

NATURE OF INJURIES

DIAGRAM



NARRATIVE

DRIVER OF VEH #1 SAID SHE WAS DRIVING WEST ON SE 28 IN THE 8200 BLOCK, WHEN SHE HIT ICE ON THE ROADWAY & LOST CONTROL OF HER VEHICLE. SHE SLID DOWN HILL, OVER THE CURB, OVER A STREET SIGN, OVER A SMALL TREE, AND THROUGH A METAL FENCE.

I CERTIFY (DECLARE) UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT. (RCW 9A.72.085)

INVESTIGATING OFFICER'S SIGNATURE

UNIT OR DIST. DET

DATED

PLACE SIGNED

APPROVED BY

DATE

BADGE OR ID #

115

ORI #

CUA 170900

TIME POLICE DISPATCHED

TIME POLICE ARRIVED

EXHIBIT 145

Shana Crick

From: Robert W. Thorpe, AICP [rwta@rwta.com]
Sent: Wednesday, January 22, 2014 12:42 PM
To: Shana Crick
Cc: rick@aramburu-eustis.com; dkingman@gordontilden.com; Sue@WriteStuf.biz
Subject: Coval Plat SUB 13-009, SEP 13-031

Date: January 22, 2014

TO: Mercer Island Planning Commission
Attention: Shana Crick

REFERENCE: Coval Plat – SUB 13-009, SEP 13-031

Summary of Key Points and Responses, January 15th Public Hearing

Community Outreach – by 84th Limited Partnership - Wes Gebrecht

Contrary to Applicant's Testimony:

- 1) Meetings with Neighbors did not include MIFRDS technical consultants – Planners, Economists, Storm Water, Wetlands, Watercourse experts. Most projects on Mercer Island that Robert Thorpe spoke of – Plats, Schools, Religious, Beach/Country Clubs/JCC Clubs and PEAK all had numerous public outreach meetings – all projects utilized input to modify projects and include significant mitigation measures – project changes.
- 2) Applicant has not provided for mitigation/site plans – saving watercourse, wetlands, steep slopes, significant trees.
- 3) Applicant has ignored the precedent set with the Donahue Plat – 9 lots on 5 acres (preserving watercourse, steep slopes, and significant trees/vegetation) at SE 84th and 25th Avenue SE in the immediate neighborhood.

CONCLUSION: I respectfully request the Planning Commission remand the plat to Staff and the Applicant to revise site plan and number of lots to mitigate sensitive areas.

--

Robert W. Thorpe, AICP - President
R. W. Thorpe & Associates, Inc.
2737 78th Avenue SE, Suite 100
Mercer Island, WA 98040
Phone: 206-624-6239
Web: www.rwta.com

Shana Crick

From: Robert W. Thorpe, AICP [rwta@rwta.com]
Sent: Wednesday, January 22, 2014 12:50 PM
To: Shana Crick
Subject: Coval - RWT Comment
Attachments: Coval RWT Comment.doc

Importance: High

Shana,

The attached copy on letterhead is for the Record.

Thank you,

RWT

--

Robert W. Thorpe, AICP - President
R. W. Thorpe & Associates, Inc.
2737 78th Avenue SE, Suite 100
Mercer Island, WA 98040
Phone: 206-624-6239
Web: www.rwta.com

R.W. THORPE & ASSOCIATES, INC.

Seattle • Anchorage • Denver • Winthrop

❖ Planning | Landscape Architecture | Project Management | Environmental | Economics ❖

PRINCIPALS:

Robert W. Thorpe, AICP, President
Stephen Speidel, ASLA

ASSOCIATES:

Lee A. Michaelis, AICP, Senior Associate
Lindsay Diallo, RLA, Associate

Date: January 22, 2014

TO: Mercer Island Planning Commission
Attention: Shana Crick

REFERENCE: Coval Plat – SUB 13-009, SEP 13-031

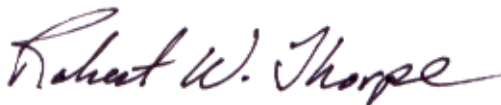
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R. W. Thorpe & Associates, Inc.
2737 78th Avenue SE, Suite 100
Mercer Island, WA 98040

Phone: 206-624-6239
Web: www.rwta.com

EXHIBIT 146

Shana Crick

From: Kim Ferse [kferse@gmail.com]
Sent: Wednesday, January 22, 2014 2:20 PM
To: Shana Crick
Cc: drferse@gmail.com
Subject: Coval Property Development concerns

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Shana,

I am writing to express my concerns regarding the 18-home development planned for the Coval property.

I understand that there is pressure from the developer to break ground on the current design by later this spring, but I urge the city planning commission and city council NOT to rush into greenlighting the current plan. I have no doubt that the development company will eventually recoup their investment (and then some) when the final agreement is reached, even if that means selling fewer homes with larger individual lots. My primary concerns with the current development plan are as follows:

1) Safety of nearby residents not guaranteed under current plan:

a) Increased traffic on 84th Ave SE from 3-year construction and subsequent new resident traffic once projected completed, and limited in-development parking leading to street parking on narrow (20-foot-wide) 84th Ave SE. There is not enough room for pedestrians and two-way traffic to pass as it is now, let alone once this new construction is underway/completed. Regardless of the number of new homes ultimately built, widening of the street (84th Ave SE) should be considered (whether at the expense of the developer or through city tax funds). Also, widening of the internal lane within the development should be considered, to allow for additional resident/guest parking and safe entry/exit of emergency vehicles.

b) Lopping off top of hillside and putting homes on top of the graded surface--is the scientific research showing this to be safe completely reliable? Especially given that there is conflicting evidence as to the watercourse/projected runoff issues? I worry about potential for slides given that there are people living in dwellings on the hillside below. I know the developer commissioned a study showing it to be "safe," but do you REALLY want to take that chance? Was the finding of the study based on the determination of no watercourse on the property? What is to be gained, from the city's point of view, in taking such a risk?

2) Density of housing/destruction of current property under current plan:

a) Current development eliminates all Coval property natural resources and compromises the "character" of Mercer Island, in opposition to stated city values concerning future development. Yes, technically this development has larger than the minimum-size allowed lots (because they could have squeezed 19 homes, legally, I suppose I should feel grateful?). But what those 18 homes would be REPLACING should be taken into consideration. I am a realist. I know development is inevitable and as a Mercer Island resident, it is no mystery to me why people would want to move here. But might it be possible to decrease the number of allowed homes and preserve a modicum of natural beauty (trees, etc.) that make Mercer Island the treasure we all know it to be?

b) Removing that many trees/groundcover features and putting in that many homes will create a drastic amount of water runoff, potentially causing annual fall-spring standing water issues for nearby residents and polluted runoff down to lake WA. Timing of watercourse study as well as limited number/placement of the holes dug to test water table is suspicious given city maps showing a known watercourse. Further study should be done if the current 18-home plan is to be seriously considered/approved.

3) Construction nuisance:

This is a personal issue for me, as my parents reside on private lane just south of the Covall property. The time frame projected for this project and the intended daily hours of construction will make their home (and those of their neighbors) unliveable for up to three years. Given that some form of this project is likely to go through, I would ask that the hours/days of the week allowed for construction be narrowed. Also, I would point out (an educated guess) that: a) fewer allowed homes, and b) restricting elimination of top of hillside soil would shorten the overall length of the project, allowing for neighbors to return to a peaceful existence that much sooner. Otherwise, I fear they may all want to move into the Wischman's mother-in-law cabin with me!

Thank you for your consideration.

Sincerely,
Kimberly Ferse
4003 West Mercer Way
Mercer Island, WA 98040

EXHIBIT 147

Shana Crick

From: tim.stewart [tim.stewart@performanceradiator.com]
Sent: Wednesday, January 22, 2014 2:47 PM
To: Shana Crick
Cc: Sue@writestuf.biz; tj@writestuf.biz
Subject: Coval development concerns 1 22 14-TJ.doc
Attachments: Coval development concerns 1 22 14-TJ.doc

Follow Up Flag: Follow up
Flag Status: Flagged

Shana

See attached letter with comments about the Coval development. You can respond to my home email noted above.

TJ Stewart



Tim Stewart, CFO---Performance Radiator---1101 Airport Way South, Seattle WA 98134
Direct line 206-219-5104, Cell 206-660-7045 Seattle
Tacoma, Fridays only 253-471-4203 x 148
Tim.Stewart@Performanceradiator.com
www.performanceradiator.com

January 22, 2014

Shana Crick

Thanks for extending our time to provide more input about the proposed Coval development. The SEPA document states there will be approximately 18,000 cubic yards of earth moved on the property and 4,000 cubic yards of road material added to the property. A large dump truck holds 10 cubic yards, truck and trailer holds 20 cubic yards. This seems to suggest 200-400 dump truck trips that our neighborhood would experience. There will be a combination of dump trucks, caterpillars and backhoes, etc.

Loads going to the property will cause traffic issues on 84th and Island Crest way. Trucks will most likely enter 84th on 39th Street, causing more traffic problems making a left turn off of Island Crest way. The issue multiplies if the school bond passes and demolition at the northwest corner of the mega block followed by construction of the new Elementary School along 86th and 40th. This beehive of activity suggests the need to flaggers.

Who enforces dust and noise issues? The CO2 foot print on this development will be tremendous. Does the City have environmental policies on CO2 levels for large developments?

Can neighbors be involved with the tree preservation process? If the long plat demolition can save significant trees we worry that the mention of each single lot being reviewed later and separately actually decreases the chance for tree preservation. Single homes fall under short plat rules as we understand it.

There should be no parking signs on 84th Street during the construction phase and Wes Giesbrecht has confirmed no use of our private lane by any vehicles before during or after construction. We appreciate that promise. Likewise no construction workers or construction vehicles should be allowed to park on 84th street. The neighborhood was very vocal about dangers already.

One last point did the City notify the owner of the Island Crest Apartments on 81st PL SE? These apartments are at the base of the Coval west bank. I would think the apartments are within the 300 foot notification requirement.

TJ Stewart 3205 84th PL SE M I 206-660-7045

Shana Crick

From: tim.stewart [tim.stewart@performanceradiator.com]
Sent: Wednesday, January 22, 2014 3:13 PM
To: Shana Crick
Subject: Please note

Follow Up Flag: Follow up
Flag Status: Flagged

Shana

I should have noted that the Island Crest Apartments are owned by King County Housing Authority. This is in respect to the apartments at the base of the hill at the west end of the Coval property and the notification letter.

TJ



Tim Stewart, CFO---Performance Radiator---1101 Airport Way South, Seattle WA 98134
Direct line 206-219-5104, Cell 206-660-7045 Seattle
Tacoma, Fridays only 253-471-4203 x 148
Tim.Stewart@Performanceradiator.com
www.performanceradiator.com

EXHIBIT 148

Shana Crick

From: Lisa Zaidi [lisayzaidi@gmail.com]
Sent: Wednesday, January 22, 2014 3:06 PM
To: Shana Crick
Subject: Coval Property Development Plans

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Crick:

Thank you for your presentation last week at the Public Hearing and for taking the time to collect the comments from the community. My husband, Glenn Blumstein, and I were in attendance last week and plan to be there next week as well. We each made comments which you will have on record.

As I stated that night, my main concerns are as follows:

1) Every time there is an ambiguity (for example, is it a watercourse or not?, etc) it seems that a different standard is applied when it is ordinary citizens rather than a developer. We saw this happen with the RKK development at the end of our street (30th Street) where Randy Koehler's company basically did an end run around the tree policy we allegedly have on this island by claiming he would preserve trees and then taking numerous old growth trees out surreptitiously. After we alerted the City Arborist we were told that he had been forced to do this in order to accommodate utilities (which, of course, he would have known about from the beginning and, furthermore, the City Arborist could have nixed had he filed an amendment to his initial plans). Instead, he took them out without consulting the Arborist and, after we brought the matter to light, he was given a nominal fee and asked to plant new trees to replace the ones he had taken out (which turned out, of course, to be mere saplings to replace hundreds of year old trees).

Now we learn that the very watercourse that has dictated how we are able to use our property and how other plats in the area have been permitted to build does not exist on the Coval property despite the fact that City records clearly reflect it's presence (e.g., the map you had projected up on the wall during part of the meeting) and despite the fact that the watercourse has been established to run both directly North and South of the Coval property, mysteriously dissipating when it hits the Coval property.

2) The increase of traffic by 17 trips/day is a ludicrous underestimate. I am sure that each of the planned homes has at least a 2-car garage and that each of these cars will make at minimum one run each during peak hours, which results in a MINIMUM of 36 more trips during peak hours. Everyone who lives adjacent to 84th Street knows how busy the street is already and we also know our own driving habits as well as those of our friends and neighbors. It is frustrating and disappointing to feel that data is being interpreted in a way that is most advantageous to developers and so clearly at odds with the real experience of neighbors in the community.

3) It is disillusioning and disappointing that the very qualities that have drawn us to the Island and kept us here for 20 years are ones that are being devalued in this entire process--trees, wildlife, peace and quiet.

4) Your decision regarding the RKK project at the end of our street already set up a bad precedent in the neighborhood regarding building decisions. The implications of decisions made regarding the Coval project will be used to establish grounds for over-building on other lots as they come up for sale (for instance, the one at the end of 30th Place) and will have lasting detrimental implications.

5) In reality the proposed density of this project is far greater than in adjacent areas, where the norm seems to be more like 9 homes/5 acre plats.

In sum, I plead with you to give weight and credence to the citizens involved in this process and not to sweep our concerns away with denials of realities that seem to apply to everyone but big developers.

Thank you,
-Lisa Zaidi

--

Lisa Y. Zaidi, Ph.D.
Licensed Clinical Psychologist

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Shana Crick

From: Lisa Zaidi [lisayzaidi@gmail.com]
Sent: Wednesday, January 22, 2014 5:07 PM
To: Shana Crick; gjbseattle@gmail.com; sue@writestuf.biz
Subject: Re: Coval Property Development Plans

Follow Up Flag: Follow up
Flag Status: Flagged

A quick amendment to my letter of earlier to day (written in haste because of time constraints). The second to last line in point #1 uses the word "fee" where it should be "fine" (as in a nominal fine).

Thanks for making this correction to my earlier statement,

-Lisa Zaidi

On Wed, Jan 22, 2014 at 3:05 PM, Lisa Zaidi <lisayzaidi@gmail.com> wrote:

Dear Ms. Crick:

Thank you for your presentation last week at the Public Hearing and for taking the time to collect the comments from the community. My husband, Glenn Blumstein, and I were in attendance last week and plan to be there next week as well. We each made comments which you will have on record.

As I stated that night, my main concerns are as follows:

1) Every time there is an ambiguity (for example, is it a watercourse or not?, etc) it seems that a different standard is applied when it is ordinary citizens rather than a developer. We saw this happen with the RKK development at the end of our street (30th Street) where Randy Koehler's company basically did an end run around the tree policy we allegedly have on this island by claiming he would preserve trees and then taking numerous old growth trees out surreptitiously. After we alerted the City Arborist we were told that he had been forced to do this in order to accommodate utilities (which, of course, he would have known about from the beginning and, furthermore, the City Arborist could have nixed had he filed an amendment to his initial plans). Instead, he took them out without consulting the Arborist and, after we brought the matter to light, he was given a nominal fee and asked to plant new trees to replace the ones he had taken out (which turned out, of course, to be mere saplings to replace hundreds of year old trees).

Now we learn that the very watercourse that has dictated how we are able to use our property and how other plats in the area have been permitted to build does not exist on the Coval property despite the fact that City records clearly reflect it's presence (e.g., the map you had projected up on the wall during part of the meeting) and despite the fact that the watercourse has been established to run both directly North and South of the Coval property, mysteriously dissipating when it hits the Coval property.

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4) Your decision regarding the RKK project at the end of our street already set up a bad precedent in the neighborhood regarding building decisions. The implications of decisions made regarding the Coval project will be used to establish grounds for over-building on other lots as they come up for sale (for instance, the one at the end of 30th Place) and will have lasting detrimental implications.

5) In reality the proposed density of this project is far greater than in adjacent areas, where the norm seems to be more like 9 homes/5 acre plats.

In sum, I plead with you to give weight and credence to the citizens involved in this process and not to sweep our concerns away with denials of realities that seem to apply to everyone but big developers.

Thank you,
-Lisa Zaidi

--

Lisa Y. Zaidi, Ph.D.
Licensed Clinical Psychologist

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Lisa Y. Zaidi, Ph.D.
Licensed Clinical Psychologist

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EXHIBIT 149

Shana Crick

From: Katie Knight
Sent: Wednesday, January 22, 2014 4:19 PM
To: Mike Grady
Cc: Noel Treat; Shana Crick
Subject: Re: Planning Commission--comments on stormwater and sustainability for the Covall Proposalr

Follow Up Flag: Follow up
Flag Status: Flagged

Will do!

Sent from my iPhone

On Jan 22, 2014, at 4:12 PM, "michael" <michaelgrady21@hotmail.com> wrote:

Katie,

Please pass-on these comments to the Planning Commision and staff--thanks!

My main concerns with the proposed project include the following:

1. Stormwater flows and pollutant loading/concentrations.

Per the City's 2009 report on the effects of dissolved copper and zinc, which was entered into the record at the last meeting with associated scientific papers, the Covall Property falls within a basin that has acute stormwater pollution issues. The current baseline frequently exceeds both state and biological thresholds for listed species in Lake Washington--Puget Sound (PS) Chinook and PS steelhead. Adding additional pollutant loading and toxins into the already degraded baseline will exacerbate the exposure of listed species to these toxins. The increase of stormwater toxins will also increase the potential "take" of the species, under sec. 9 of the Endangered Species Act (ESA). The proposal should outline best management practices (BMPs) to infiltrate and treat the added stormwater to the basin so that the effluent at the end-of-the-pipe is below the biological thresholds identified in the City's 2009 report. Otherwise, the City and the developed may have legal exposure under the ESA for permitting an increase in stormwater pollution into Lake Washington.

It appears the Covall proposal will also increase the amount of flow of stormwater into the basin. With a significant decrease in tree and vegetative cover from the proposed development, it will be costly to replicate the infiltration that nature currently provides on the property. An increase in flows downstream will also increase erosion and mudslides, which the City (and it's tax-paying citizens) will be required to fix in the future.

2. Sustainability

Does the project, as proposed, meet the goals of sustainable development outlined in the City's comprehensive plans and development regulations?

The significant reduction of tree canopy, vegetative cover, and temporary watercourses suggest otherwise. I recommend additional analysis on ways to "green-up" the proposal by reducing the number of trees removed, maintaining open water courses, infiltrating all stormwater, and providing green corridors throughout the project for people and wildlife.

3. Traffic--vehicles and people

Additional analysis should be conducted to outline BMPs for traffic movement to- and through the project--and ways to improve pedestrian movement in the area in a more safe manner.

I hope this helps the Commission find ways to improve this project and thereby comport with our sustainability goals for the City!

Mike Grady
7011 81st Ave SE
275-2524

EXHIBIT 150

ARAMBURU & EUSTIS, LLP

Attorneys at Law

J. Richard Aramburu
rick@aramburu-eustis.com
Jeffrey M. Eustis
eustis@aramburu-eustis.com

720 Third Avenue, Suite 2000
Seattle, WA 98104
Tel 206.625.9515
Fax 206.682.1376
www.aramburu-eustis.com

January 22, 2014

City of Mercer Island Planning Commission
c/o Principal Planner, George Steirer
9611 SE 36th Street
Mercer Island, WA 98040

Via Email, c/o:
George.Steirer@mercergov.org and
Ali.Spietz@mercergov.org, City Clerk

Re: Coval Plat (SUB 13-009, SEP 13-031)

Dear Planning Commissioners:

As directed by the Planning Commission at its January 15, 2014 meeting, these are additional comments on the proposed Coval Plat made on behalf of Mercer Island Residents for Responsible Residential Development (Friends). This letter and other materials should be included in the Project Notebook previously provided, under the new Tab 12 included with these documents, "Supplemental Comments."

This letter is written to provide responses to the City's staff report and supplemental material presented by the applicant at the January 15 hearing, particularly the 27 page "Response to Comments" handed out at the hearing. We will reference these responses by the acronym "RTC" and the page number.

1. SUBMISSION OF FRIENDS MATERIALS.

There were comments made at the January 15 hearing that Friends' notebook and other materials should have been submitted earlier than the evening of the hearing.

In fact, as explained in earlier correspondence (see letter to city dated January 14, 2014), City staff delays caused the difficulty in Friends' ability to provide their documents and presentations to the Planning Commission at an earlier time. In particular, my staff was informed by Shana Crick well before the hearing (December 30) that Planning Commission agendas and packets (containing the staff report) are sent at the same times and:

EXHIBIT 150

Project Nos.: SUB13-009/SEP13-031

Project Name: Coval Preliminary Long Plat

Project Address: 3051 84th Avenue SE

The agenda for the January 14, 2013 (sic) meeting will likely be ready the morning of Friday, January 10, 2013 (sic). Since Mr. Aramburu is a party of record, you will receive an electronic copy of the agenda along with a link to the Planning Commission packet.

Because of the importance of the staff report, it is a key document for interested parties to review before the public hearing to be held by the Planning Commission.

However, for reasons that were never explained, city staff delayed the dissemination of the staff report from Friday to mid afternoon on Monday, essentially reducing the public's opportunity to review and prepare comments on the report by three days. Given the importance of this plat to the city and interested parties, such delay is inexcusable. Of course, such delays did not impact staff or the applicant, who worked closely together and were in agreement on all essential points.

2. ACCESS TO THE SITE.

Friends has repeatedly sought access to the site to verify and review the representations of the applicant concerning physical conditions of the site, especially related to highly contested issues regarding stormwater runoff and site watercourse / wetlands. As stated in the RTC at page 5: "The owners did not grant access permission" stating that

The site drainage and watercourse characteristics can be viewed from adjacent properties to the north and south . . .

No one can determine drainage and watercourse characteristics by peeking over a fence from 150 feet away.

Friends contacted the developer on January 3rd requesting opportunity to go on the property. Such request was timely and gave sufficient time to arrange for a brief site inspection.

3. RAIN GARDENS.

The applicant handed out full color landscaping plans at the hearing on January 15, which included sketches of "Rain Gardens" apparently to be installed on site. Other than the attractive sketch and plan view, no detail is provided concerning these features.

In hydrologic usage, a "rain garden" is a feature which infiltrates water from the surrounding area. However, the use of such a feature here is inconsistent with the engineering plans for the project. Indeed, as disclosed at the hearing, the runoff from the site will be routed to the stormwater vault on the eastern portion of the site. The rain gardens appear to have no function and thus should be ignored as a site feature.

4. APPLICATION OF THE MERCER ISLAND COMPREHENSIVE PLAN.

Under the terms of the Local Project Review statute, RCW 36.70B.030, "Project review--Required elements--Limitations:"

(1) Fundamental land use planning choices made in adopted comprehensive plans and development regulations shall serve as the foundation for project review.

In the City of Mercer Island, the Council has chosen to require that preliminary plats meet comprehensive plan requirements:

19.08.030 Design standards.

A. Compliance with Other Laws and Regulations. The proposed subdivision shall comply with arterial, capital facility, and land use elements of the comprehensive plan; all other chapters of the development code; the Shoreline Management Act; and other applicable legislation.

(Emphasis supplied). Thus conformance with some requirements of the code does not assure approval. As noted in our prior correspondence, the proposal is inconsistent with multiple goals and policies of the Mercer Island Comprehensive Plan and the Planning Commission should take the actions specified at Tab 11 of our Project Notebook to assure conformance with Mercer Island codes.

5. DESIGN REVIEW IS REQUIRED.

As indicated under Tab 4 of Friends' notebook, City staff has failed to have the Coval plat reviewed under the terms of MICC chap. 19.12, setting the process for design review of developments outside the Town Center. The staff and applicant want to avoid design review and claim that the Mercer Island codes do not require it.

But no matter what staff believes, the plain language of the City's ordinances is controlling. This is no better explained than in a recent case involving another erroneous interpretation of Mercer Island ordinances, *Faben Point Neighbors v. City of Mercer Island*, 102 Wash.App. 775 (2001). In that case, the City's codes required lot width of only 90 feet, but the Planning Commission and City Council approved a plat with lots from 69.5 to 80 feet in width. On judicial review, the City asked the court to ignore the plain language of its ordinances based partly on the long term interpretation of the ordinances in question; the Court did not accept the City's contentions:

We reject Appellant's invitation to adopt novel rules of statutory construction. Were there ambiguity in the language of the enactments, or actual conflict with the GMA, we would surely investigate the underlying legislative intent. In the absence of ambiguity or conflict, however, a sterile exercise in logic is exactly what is called for: the words mean what they say.

Nor does the City's six-year history of erroneously interpreting its zoning code and interim critical areas regulations change our analysis. Misunderstanding or misinterpretation of a statute or ordinance by those charged with its enforcement does not alter its meaning or create a substitute enactment. Both the City and Pacific Properties are bound by the ordinances as written. See, e.g., *Dykstra v. Skagit County*, 97 Wash.App. 670, 677, 985 P.2d 424 (1999) (local government entity's prior

erroneous enforcement of a land use regulation does not foreclose proper exercise of authority in subsequent cases), review denied, 140 Wash.2d 1016, 5 P.3d 8 (2000). *In Clark County Natural Resources Council v. Clark County Citizens United, Inc.*, 94 Wash.App. 670, 677, 972 P.2d 941, review denied, 139 Wash.2d 1002, 989 P.2d 1136 (1999), this court explained:

Although a court will defer to an agency's interpretation when that will help the court achieve a proper understanding of the statute, "it is ultimately for the court to determine the purpose and meaning of statutes, even when the court's interpretation is contrary to that of the agency charged with carrying out the law." Here, in our view, the Board misread the statute and exceeded its authority. If we were to defer to its ruling, we would perpetuate, not correct, its error. Under these circumstances, we hold that deference is not due.

(Citations omitted).

Here, too, we decline to endorse the City's erroneous interpretation.
102 Wn.App. at 781-82.

These rules apply here. The plain language of the City's ordinances requires design review for all "regulated developments," which includes preliminary plats. See Tab 4 of Friends' Project Notebook. The staff's continuing refusal to require design review by the Design Commission is clear error requiring correction by the Planning Commission.

6. TREE PROTECTION DEFERRED TO HOUSE DEVELOPMENT.

There have been multiple requests for preservation of the trees on the Coval property. In doing so, various commenters, including Friends, have pointed out that many of the trees on the site were part of historic plantings, largely intended to create an arboretum environment. This is emphasized by the following quotation from the covalhouse.com website, in its section on the "Ornamental Gardens:"

The ornamental gardens on the Coval estate are entirely the work of Barbara Coval. When Barbara and Myer purchased the property in 1981, the property was sprinkled with fruit and nut trees, most from David Alexander and a few more from the Starrs. The west two acres were an impenetrable bramble of blackberries and alder, but in time the overgrowth was cleared and the Streuobstwiese was expanded. Over a thirty-year period Barbara brought in specimen plants, trees and perennials, and established an impressive and beautiful garden of her vision and making.

The ornamental gardens are anchored by a remarkable array of mature native trees including Madrona, Big Leaf Maple, Mountain Ash, Fir, Holly, and Cottonwood. The west end of the property, a sloping hill side with a view to downtown Mercer Island, is left in its natural state as a buffer zone and is rich in native trees and groundcover that has remained unchanged for over 100 years.

In addition to the native trees, the fruit and nut trees contribute to the structure of the landscape and help define distinct areas around the estate.
(Emphasis supplied). Preservation of these areas is essential.

The applicants seek to avoid addressing their destruction of these unique features by requesting that the preservation of individual trees should be deferred to individual house construction. This is a welcome solution for the developers, because they will likely sell off the lots and avoid any further responsibility for tree preservation. However, there is no public review of individual single family building permits and no opportunity for comments or input by the public. It is likely that the lot owner will claim trees must be removed to meet the requisites for house construction, and the need to preserve individual trees will likely take a subordinate role.

The Planning Commission is urged to assure tree preservation now, as a part of this process, and not defer the issue to a later time.

7. WIDTH OF PRIVATE ACCESS ROAD AND TURN-AROUND SHOULD BE INCREASED.

During the comment period and at the public hearing, there were concerns expressed about the width of the private access road running through the center of the proposed plat. The applicant contends that it is only required to construct a road that is a maximum of 20 feet in width. However, commenters expressed concerns that such a street would not allow parking, which would create parking overflow to 84th. The Planning Commission should increase the width of the central access road.

First, MICC 19.09.040 states that: "B. All private access roads serving three or more single-family dwellings shall be at least 20 feet in width." Thus twenty feet is the minimum required width, not the maximum.

Second, the internal access road is a dead end street serving at least 14 lots, and 18 lots if the Planning Commission does not allow the easterly four lots to access directly to 84th. Under MICC 19.09.030, regulating "Public and Private streets," standards are set for "Dead-End Streets" which require, under MICC 19.09.030(D)(2)(a) that a dead end street serving between 11 and 20 lots have a right of way of between 35 and 50 feet, about twice the width proposed by the applicant. Accordingly, the width of the street must be increased, which will also allow for parking.

Third, the code has specific provisions for dead end private access roads found in MICC 19.09.040(D) and (E), as follows:

D. All private access roads in excess of 150 feet in length, measured along the centerline of the access road from the edge of city street to the end of the access road, shall have a turn-around with an inside turning radius of 28 feet.

E. All cul-de-sacs shall be at least 70 feet in diameter; provided, cul-de-sacs providing access to three or more single-family dwellings shall be at least 90 feet in diameter.

Though the length of the private road substantially exceeds 150 feet, there is no turn-around provided and no cul-de-sac with a diameter of at least 90 feet. MICC 19.09.040 has no provision for deviation from these private road standards and accordingly a

variance from the standards is required to approve the present plan. See MICC 19.15.020(G)(4).

Fourth, because the Coval plat proposes a private, not public street, the eventual homeowners will be responsible for the maintenance of the road and responsible for damages to public and private property occasioned by the upkeep of the road. Provisions for homeowner responsibility for the private roads would ordinarily be found in restrictive covenants (or "Covenants, Conditions and Restrictions"), which are required to be included as a part of the plat application. See MICC 19.08.020 (D)(4)(a). However, the current application contains no restrictive covenants or other documentation explaining how the private roads would maintained and setting financial obligations of the owners. This application should be returned to the applicant with directions to provide the required restrictive covenants and other documentation as to the private road.

8. MOVING THE POOL ROOM.

At the hearing, there was some discussion of the possibility of relocation of the pool room and its donation to a local theater organization.

While a placating gesture, there is no evidence that this unique structure can in fact be picked up, put on a truck, moved and put in place at another location. Lacking such evidence, the Planning Commission should disregard the gesture.

The Pool Room, described in the covalhouse.com web site at http://www.covalhouse.com/pool_room.shtml, has several features that appear to be impossible to be moved.

First, the walls are solid granite. There is a waterfall that "cascades down a wall of solid granite boulders." How walls of solid granite and walls constructed of granite boulders can be moved is a mystery.

Second, the roof is a truss system. As the website explains: "A crew of 10 woodworkers labored for over 18 months to create and install the trusses, which were joined and assembled one piece at a time on site." No information is provided supporting the feasibility of relocating this feature.

Third, again as the website explains, "The exterior roof is standing seam solid copper, and the poolroom rests on 500 tons of granite that visually anchor the structure to the land." There is no explanation as to how 500 tons of granite will be moved to a new location or how the roof would be preserved.

Fourth, much of the exterior of the pool room is large sections of glass designed to allow light into the pool area. Again, photos of the Pool Room found on the website show these features.

Fifth, the floors are set on a solid foundation: "4 inch bluestone floors were set by master stonemason Dan Gagnonfour." This foundation will be impossible to move.

The Planning Commission should treat the gesture of willingness to move the Pool Room as just that, a gesture, lacking any evidence that it can be realistically accomplished.

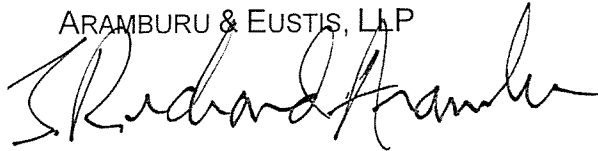
9. RECOMMENDED ACTIONS AND CONDITIONS.

Based on the record as a whole, Friends requests that the Planning Commission take those actions described under Tab 11 of our submission of January 15, 2015. Each action is supported both by comments and other evidence received during the public hearing process. In addition to the adoption of these recommended actions, the Planning Commission should direct staff to adopt findings and conclusions consistent with such actions.

We thank the Planning Commission for its careful attention to all of the materials received; we will attend the January 29, 2014 planning commission meeting prepared to answer any questions that the Commission may have.

Sincerely yours,

ARAMBURU & EUSTIS, LLP

A handwritten signature in black ink, appearing to read "J. Richard Aramburu", written over the printed name.

J. Richard Aramburu

JRA:cc
cc: Clients



January 22, 2014

Dr. Richard Ferse
3203 84th Avenue SE
Mercer Island, WA 98040

Re: Review of Stormwater Quantity Aspects of the Proposed Coval Property Development – Supplementary Comments

Dear Dr. Ferse,

Further to my letter of 9 January 2014, I understand that additional modifications have been made to the proposed stormwater design for the Coval property. According to a statement made by the applicant's representative at the hearing on 15 January, infiltration trenches originally proposed for lots 10 through 12 have been dropped, and runoff from those lots will now be routed to the proposed detention vault prior to discharging to the conveyance system on 84th Avenue SE. Since the 15 January hearing, I have also been provided with a copy of a 11 December 2013 memo prepared by PacLand in response to City review comments on the proposed stormwater "bypass" - the area of the project site from which runoff would bypass the proposed stormwater vault and continue to flow north along the existing natural drainage path.

I have the following supplementary comments:

- The on-site soil infiltration characteristics and determination of hydrologic soil type seem to remain in question despite the investigations by the applicant's geotechnical engineer Terra Associates. The original characterization of the on-site soils as outwash soils generally suitable for infiltration is consistent with both my own (off site) qualitative assessment and with the observation that very little flow leaves the site via the swale at the north property boundary. This swale currently receives runoff both from the developed properties to the south and (according to PacLand's 11 December 2013 memo) 2.72 acres of on-site pervious area. If this area were underlain by soils with low infiltration capacity (i.e. the Type C till soils assumed in the applicant's storm drainage calculations), then intermittent flow would be seen in the winter months at a rate which would have formed a defined stream bed at the north property boundary. This is not the case – evidently not only does water entering the property from the south infiltrate in flowing across the property, but rainfall on the property is mostly infiltrated with very little, if any, direct runoff. Minimum Requirement #5 of the 2005 Ecology Manual states in part that "*Projects shall employ On-site Stormwater Management BMPs to infiltrate, disperse, and retain stormwater runoff onsite to the maximum extent feasible without causing flooding or erosion impacts.*" It is not clear why originally proposed infiltration facilities have now been eliminated but the revised proposal appears to be inconsistent with Minimum Requirement #5. Furthermore, I see no evidence to support the assumption of low infiltration (Type C) soils for the purposes of detention vault sizing.

EXHIBIT 151

Project Nos.: SUB13-009/SEP13-031

Project Name: Coval Preliminary Long Plat

Project Address: 3051 84th Avenue SE



Dr. Richard Ferse
January 22, 2014
Page 2

- In the light of the 11 December 2013 memo, I have undertaken further review of Minimum Requirement #4 which states in part that *"Natural drainage patterns shall be maintained, and discharges from the project site shall occur at the natural location, to the maximum extent practicable."* The 11 December 2013 memo (Response #4) acknowledges that 2.72 acres of on-site area drain to the "north culvert" under existing conditions and that this will be reduced to 0.46 acres under the proposed development. Runoff from the remaining 2.26 acres will be diverted away from the natural discharge location on the north property boundary to the proposed detention vault, and then discharged to 84th Avenue SE. I see no provision under the Ecology Manual which would allow this diversion away from the natural discharge location unless the discharge to the natural flow path would result in adverse downstream impacts.

Yours truly,
Northwest Hydraulic Consultants

A handwritten signature in blue ink, reading "K. M. Leytham", is positioned below the typed name.

K. Malcolm Leytham, P.E., Ph.D.
Principal

cc. J. R. Aramburu

EXHIBIT 152



The Coval House

[HOME](#)[HISTORY](#)[EXPLORE](#)[GARDENS](#)[CONTRIBUTORS](#)[RESOURCES](#)[CONTACT](#)

Koi Pond

The Koi Pond is the centerpiece of the Coval gardens. The lower pond is ten feet deep, and sits directly over the original site of the 1913 Alexander house, which had as its foundation a deep and massive concrete wine cellar. When the Starrs purchased the home in 1948, the Alexander home was demolished, but the cellar stayed and was reclaimed as a swimming pool, finished with interior plaster and an aggregate deck. When the Covals began their remodel of the home in 1982, the pool still remained, but they had visions of an indoor pool to the east of the main house, so the Alexander cellar would finally fall from use.

A number of designers and landscape architects with impressive portfolios proposed designs for the courtyard area, but the formality of the waterscapes bordered on the pretentious, leaving Barbara Coval wanting. She envisioned a pond quiet and subdued, seamlessly blending into the landscape, and most importantly, alive with natural flora in the pond itself. One afternoon Barbara and David Eck sat outside sketching and talking about what could be, and within a couple of hours, a simple plan emerged. A talented pool designer, John Fish, who had been retained to design the indoor pool, refined the concept and worked out the mechanical requirements of circulation to the upper pool. The design settled, the pond structures were installed using high quality pool construction techniques, utilizing massive quantities of reinforcing steel and hand finished gunite.

At this point Scott Hackney of Marenakos Rock dropped by to begin conversations with Myer and Barbara Coval regarding the indoor pool waterfall. Seeing the pond in progress, Scott could immediately envision a pond that was beyond what anyone has previously imagined, and after sharing his creative vision with Myer, was given carte blanche to make that vision a reality. Marenakos was at the time just beginning to liberate granite from the Hansen Creek Quarry in the Snoqualmie Pass, which was rich with massive weathered specimen stones difficult to find today. Over six hundred tons were brought in for the Coval pond alone, and a massive crane worked for weeks setting the boulders precisely to Scott's liking.

The setting of the granite required a remarkable orchestration between the crane operator and the man on the ground. For Scott, who would stand beneath a two ton stone as it dangled in the air, relationship and trust with the crane operator can mean his life. Positioned in the crane was Bill Hyde, not only Scott's business partner but his essential partner in the creative process as well. Setting stone is the perfect integration of art and craft; Scott sensing a composition of shapes, conveying that sense with mysterious signals and subtle body language to Bill, and then with elegant precision, Bill silently answering with gentle placement, stone by stone.



Scott Hackney and Bill Hyde prepare to set tons of breathtaking Hansen Creek granite.



The Marenakos team sets old growth stumps, snags and downed logs around the pond.

One of the notable elements in the pond is the "hogsback", an arrangement of granite flats occurring naturally in granite fields. The hogsback is a composition of granite stones that form a strong linear shape, rising down the centerline from the upheaval of earth below. The Coval Pond hogsback begins deep in the pond and rises into the landscape above, inviting one to venture out onto the stone itself.

Surrounding the pond is a breathtaking array of plants and trees, including Japanese Maples, Japanese Black Pine, Flowering Dogwood, a specimen Japanese Wisteria, Water Lilies and a rich variety of other specimen plants. A shallow bog to the east supports a gorgeous array of grasses and downed logs. The pond attracts nesting Mallard ducks every spring, as well as Herons, Eagles, and deer. The Japanese Koi and Catfish that thrive in the pond easily escape these natural predators, finding safety in the granite boulders deep in the pond.

An underground vault holds the pond mechanical systems, consisting of a circulation pump, strainer and isolation valves. The vault also contains electrical for lighting, well pressure tanks, and distribution valves for estate irrigation. The vault is heated and ventilated to assure protection of all enclosed components.

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425.888.1457 dave@davidpauleck.com

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September 10, 2013

32nd St. Neighbors
c/o Robert Thorpe
RW Thorpe & Associates, Inc.
1001 Fourth Avenue, Suite 4000
Mercer Island, WA 98154

Re: Reconnaissance-level Investigation

Dear Bob:

On July 3 of this year, I accompanied Robert Thorpe to do a reconnaissance-level investigation of the Coval property located at 3051 84th Avenue SE on Mercer Island. A certified ecologist with over 25 years of experience conducting wetland delineations, ordinary high water mark determinations, stream habitat inventories, critical areas studies, and environmental impact assessment studies for subdivisions as well as large transportation projects, you asked for my expert opinion on whether there were any wetlands or watercourses on the site. Before visiting the subject property, I reviewed relevant portions of the Mercer Island Municipal Code (MIMC), particularly Chapter 19.07 Environment. This includes critical area study requirements for watercourses, wetlands, and wildlife habitat conservation areas. When we met onsite, you provided me with a GIS map showing the City of Mercer Island (City) having identified a Type 2 watercourse on the site. No site-specific investigations by the proponent of proposed development or their consultants were provided to me for my review before my reconnaissance. Well after the site reconnaissance, I received digital copies of a letter from Ms. Shanna Crick, City of Mercer Island to Wes Giebrecht, North Bluff Developments, Ltd. Dated June 18, 2013 and copies of the six enclosures mentioned in Ms. Crick's letter. The enclosures include a GIS map apparently produced from the City's Information and Graphics Services that shows a Type 2 watercourse running from south to north through the subject property. Other enclosures included a series of reports prepared by the proponent's consultant Larry Burnstad, Watershed Dynamics and third party reviews of these reports by The Watershed Company's Nell Lund as follows:

- March 30, 2013 Watercourse Review for the Coval Property on Mercer Island prepared by Larry Burnstad, Watershed Dynamics;
- April 17, 2013 letter to Shana Crick, City of Mercer regarding the Coval Property – Peer Review of Critical Areas Study prepared by Nell Lund, The Watershed Company;
- May 2, 2013 Wetland Review at the Coval Property prepared by Larry Burnstad, Watershed Dynamics;
- June 6, 2013 Site Review prepared by Larry Burnstad, Watershed Dynamics; and
- June 17, 2013 letter to Shana Crick, City of Mercer Island regarding Coval Property – Follow up to Peer Review of Critical Areas Study.

The focus of my reconnaissance was whether or not wetlands and/or a watercourse were present on the site. This letter is a short summary of my approach, findings, and how these contrast with those reported by others.

METHODS

A systematic investigation of the mapped watercourse was conducted. My investigation began at the beginning of the mapped watercourse at the outlet to the 12-inch diameter pipe shown in Figure 1 from Watershed Dynamics April 17, 2013 report and proceeded in a downstream direction to the inlet to the culvert at the downstream end of the watercourse at the north end of the Coval property. A test pit was dug with a sharpshooter shovel about 20 feet upstream of Watershed Dynamics Soil Pit #3. Subsequent observations of soils and hydrology were made in open soil pits dug by Watershed Dynamics. Because soils will oxidize relatively rapidly when exposed to air, observations at other Watershed Dynamics test pits involved taking a fresh cross section from the open pits. Observations of soil color and texture were then made on the new sample, which was ~3-inches thick.

MIMC requires the use of the *Washington Wetlands Identification and Delineation Manual* to delineate wetlands (Ecology 1997). Wetlands are classified using the Washington State Department of Ecology's rating system for western Washington (Hruby 2004).

RESULTS AND DISCUSSION

As both Watershed Dynamics and The Watershed Company point out, the first part of the definition of Watercourses from MIMC is:

“Watercourses: A course or route, formed by nature and generally consisting of a channel with a bed, banks, or sides throughout substantially all its length, along which surface waters, with some regularity (annually in the rainy season), naturally and normally flow in draining from higher to lower lands. This definition does not include irrigation and drainage ditches, grasslined swales, canals, storm water runoff devices, or other courses unless they are used by fish or to convey waters that were naturally occurring prior to construction.”

The code continues to define “Watercourses – Intermittent or Seasonal Flow as: Those watercourses that go dry or exhibit zero surface discharge at any point during water years with normal rainfall as determined from climatological data published for the Seattle-Tacoma International Airport by the National Oceanic and Atmospheric Administration or its successor agency.”

Not surprisingly, there was no flow at the time of my July 3 site investigation and the watercourse clearly does not contain perennial flows. However, soils were relatively moist and there was clearly evidence of seasonal flow (scouring), particle sorting, and sediment deposition throughout substantially all the length of the watercourse. I observed positive evidence of hydric soils throughout the drainage from near the outlet of the pipe at the south end of the site to the inlet of the pipe near the northern property boundary. These observations indicate that soils are likely inundated and/or saturated for relatively long periods of time and possibly influenced by a seasonally high ground water table, which is common in soils that have developed in the formerly glaciated areas of the Puget Lowlands. My first observation of hydric soils was in the test pit located about 20 feet upslope of Watershed Dynamics Soil Pit #3 (see Attachment A). The photograph below shows the dark grayish brown (10YR 4/2) depleted sandy loam matrix with between 5 and 10% yellowish brown (10YR 5/8) redoximorphic concentrations or mottles in the upper six inches of the test pit. Using either the *Washington Wetlands Identification and Delineation Manual* (Ecology 1997)

or the *Western Mountains, Valleys, and Coast Region Supplement to the 1987 Corps Manual* (Corps 2010), these soils are considered hydric.



Similar soils and redoximorphic concentrations (i.e., positive indicators of hydric soils) were observed in a fresh cut from Watershed Dynamics' soil pit #3 as shown in the photograph at left. Mr. Burnstad did not provide any photographs of the soil pits at the time he made his observations and did not observe positive indicators of hydric soil. My observations do not corroborate his earlier findings.

His observations and logic and that of the Watershed

Company's that there is no watercourse is not supported by the abundance of redoximorphic features and depths of these throughout the drainage. The conclusion that hydrology or seasonally flowing water is



not present for sufficient duration earlier in the growing season is not supported by the observations made in late spring and early in the summer. Nor is the argument persuasive that hydrology was only present because of anomalous precipitation patterns. While Mr. Burnstad does a fine job of identifying heavy precipitation patterns in the two weeks before the indicated site visits, observations must take into consideration the antecedent conditions starting in the fall of 2012 when the water year began as he is clearly aware. He correctly notes that precipitation for the water year through his April 2013 site visits is within normal range. Regardless of precipitation patterns, presence of a depleted soil matrix and abundance and location of redox within the soil profile throughout the watercourse indicates soils are inundated and/or saturated for sufficient duration for these features to develop. Similar soils with a depleted matrix and chroma of 2 and abundant redoximorphic concentrations from a depth of 6 to more than 12 inches below the ground surface were observed at Soil Pit #5, as shown in the photograph on the next page.



Furthermore, hydric soils also were observed in the flatter area near the culvert inlet at the north property boundary. These soils were darker and contained abundant oxidized rhizospheres, a positive indicator of wetland hydrology. Collectively, my observations indicate there is likely seasonally flowing surface water during the spring and probably seasonally high ground water throughout the length of this watercourse. Mr. Burnstad's observation of ground water at a depth of 8 inches below the ground surface in soil pit #5 on April 26 supports this. While the bed and banks of the watercourse may not have exposed gravels, undercut banks, or other features found in perennially flowing streams, there is clearly a topographic drainage and evidence of an intermittent stream. Examination of historic aerial photographs, such as the 1936 aerial photograph (Attachment B) on the King County iMAP website shows this natural topographic feature and drainage. This watercourse though not perennial appears to meet the definition of a Type 3 (intermittent and not used by fish) watercourse. In addition, there is clearly a wetland, which includes the area delineated by Mr. Burnstad. This wetland is

associated with the watercourse and is likely larger than identified though this is difficult to evaluate as none of the documentation provided contains a map of the identified wetland. Accurate delineation of the wetland boundaries may require use of the problem area methods. Mr. Burnstad does suggest that this wetland is smaller than the size of Category IV wetland regulated under MIMC. Finally, it is unclear whether the proposed development complies with provisions in MIMC pertaining to mitigating impacts to critical areas consistent with best available science. MIMC requires impacts to critical areas, such as watercourses, wetlands, and other wildlife habitat conservation areas from new streets and utilities to be mitigated to the greatest extent reasonably feasible so there is no net loss in critical areas functions.

If I may provide any additional information or clarification on this proposal, please call me at (206) 285-3015.

Sincerely,

ECOLOGICAL SOLUTIONS, INC.

SCOTT LUCHESSA

Certified Ecologist

Attachments:

Attachment A – Watershed Dynamics Soil Pit Locations

Attachment B – King County iMAP 1936 Aerial Photograph.

REFERENCES

Corps (see U.S. Army Corps of Engineers)

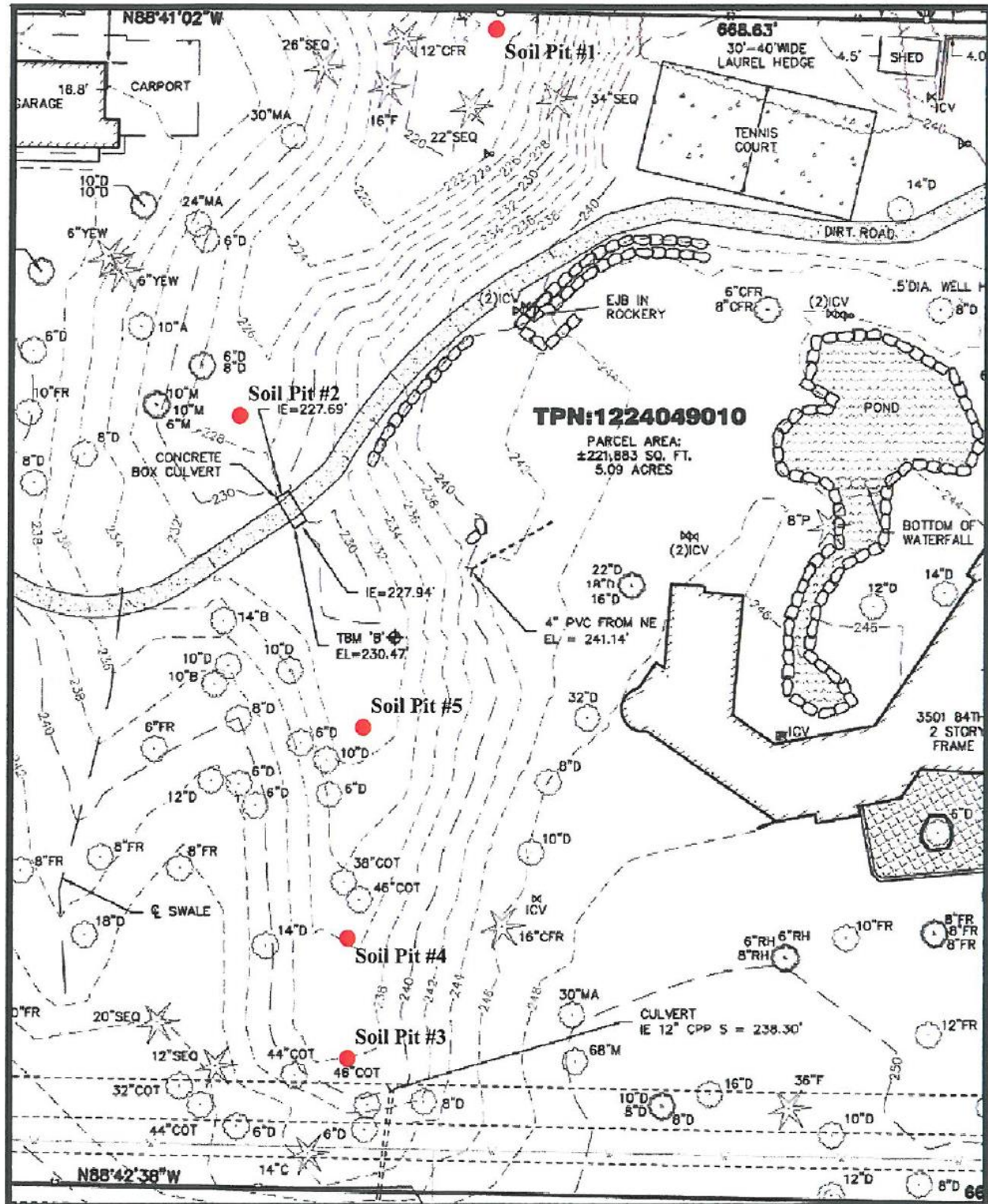
Ecology. 1997. Washington State Wetlands Identification and Delineation Manual. Ecology, Publication No. 96-94, Olympia. [Available online at http://www.ecy.wa.gov/biblio/9694.html](http://www.ecy.wa.gov/biblio/9694.html).

Hruby, T. 2004. Washington State wetland rating system for western Washington - Revised. Publication # 04-06-025. Washington State Department of Ecology, Olympia, Washington.

U.S. Army Corps of Engineers (Corps). 2010. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0). ERDC/EL TR-10-3. J. S. Wakeley, R. W. Lichvar, and C. V. Noble (eds). U.S. Army Corps of Engineer Research and Development Center, Environmental Laboratory, Vicksburg, MS.

ATTACHMENT A

WATERSHED DYNAMICS SOIL PIT LOCATIONS

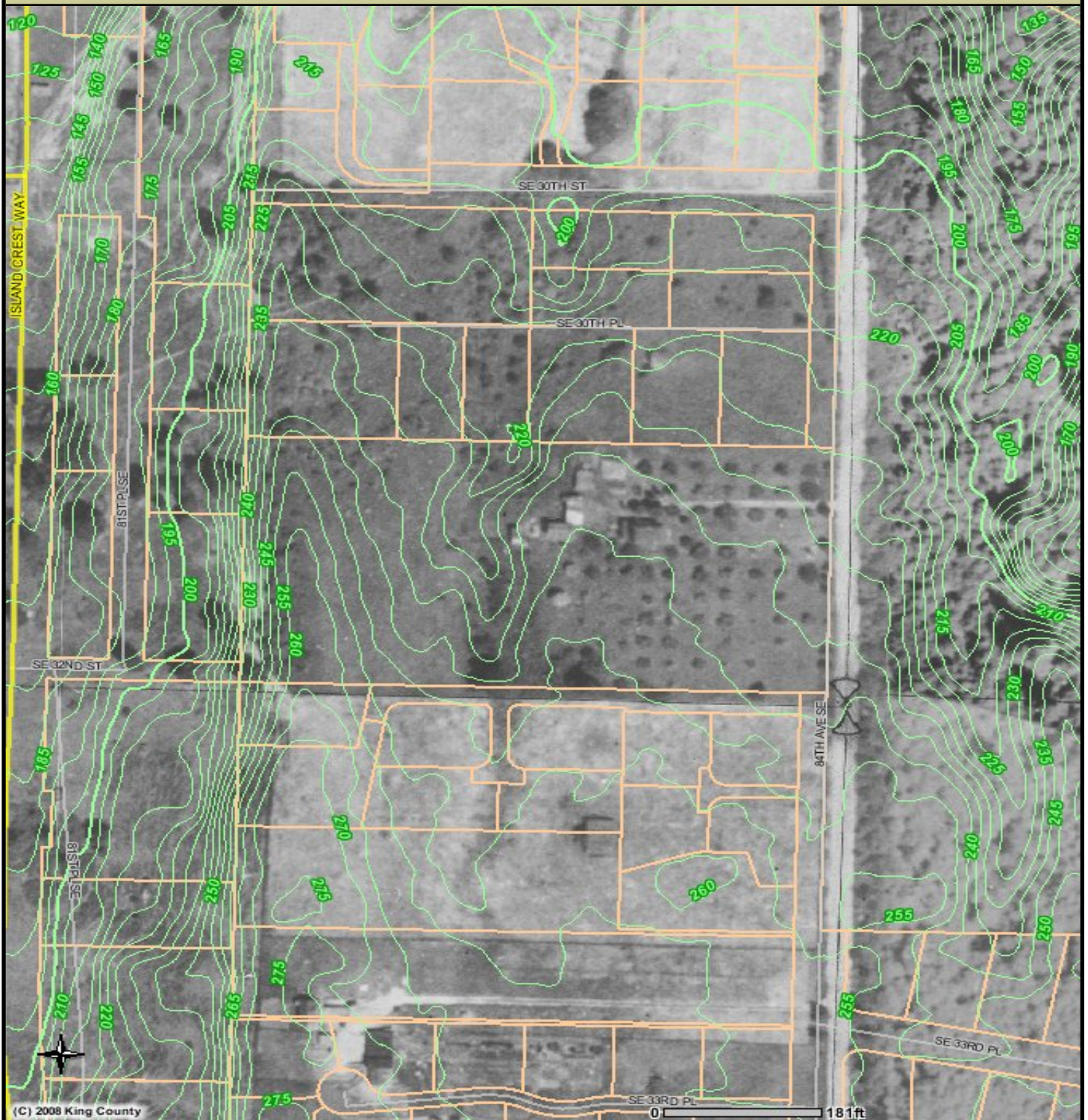


Watershed Dynamics Soil Pit Locations (Source: May 2, 2013 Watershed Dynamics letter)

ATTACHMENT B

KING COUNTY IMAP 1936 AERIAL PHOTOGRAPH

Coval Property



(C) 2008 King County

Legend

- County Boundary
- Mountain Peaks
- Contours (5ft light)
- 100; 500; 1000 (cont)

- Other
- Highways
- Streets
- Highway (cont)

- Arterials
- Local
- Parcels
- 1936 B/W Aerial Photos

The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

Date: 8/13/2013

Source: King County iMAP - Property Information (<http://www.metrokc.gov/GIS/iMAP>)



King County

TRAFFIC AND TRANSPORTATION

Report on 84th Avenue S.E. and Impact from Coval Plat

In this section deficiencies in the existing street that serve the project will be analyzed. In addition, this section will show that a pedestrian route to the west over very steep slopes is likely not feasible and will not mitigate impacts of the project. Further this section will describe deficiencies in the plan for the private road on the site.

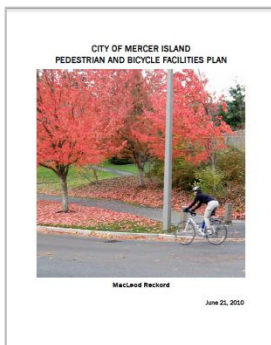
Current Condition of Roadway

The main arterial connecting the Coval property to the Town Center to the north and to S.E. 40th Street to the south, and to Island Crest Way, is 84th Avenue S.E. The road is described in the Pedestrian and Bicycle Facilities Plan as being from 16' to 20' wide, with gravel/grass shoulders, and mostly with ditches on the west side. This leaves no safe space for pedestrians in many places and forces them to "share" the road with cars, bicycles, and dog-walkers.



Looking north on 84th Avenue S.E.

The road is identified as a "key corridor", however it does not meet several of the performance criteria identified in the Pedestrian and Bicycle Facilities Plan such as:



Safety: *Is the route safe to use, can your children use it?*

All elements of the facility are safe for the use intended, hazards are removed and substandard elements are upgraded as per recommended design guidelines

Answer: *No, the road is not safe for children or adults on foot, bicycles, or other conveyances*

Continuity: *Are there gaps where there is no trail, path, shoulder or lane?*

Completeness of the pedestrian and/or bicycle facilities between desired destinations. Continuity is a quantitative measure, how much of the system is in place. It also carries assumptions that a poor sidewalk is better than none.

Answer: *Yes, there are multiple areas where there is no place to walk other than in the road.*

Condition: *Is the path muddy or dry, rutted or smooth, paved or not?*

A qualitative measure of how well each facility functions. Measures include appropriateness of the facility given physical and right-of-way constraints and general physical condition of the facility.

Answer: *The road is paved but there is no paved sidewalk. In some places there is gravel, but not along the entire length of the road. In some places there are only ditches.*



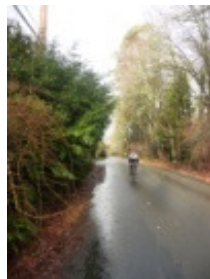


While the road is very straight along most of its length, the northernmost section of the road runs downhill into S.E. 28th Street with a dangerous curve with little visibility; cars frequently drive too fast and cannot anticipate what is around the corner. Additional car and bicycle traffic from additional homes will only exacerbate the problem. Families living on S.E. 28th Street and S.E. 29th Street can have difficulty entering the roadway because of rapid traffic.

Walking along the road from dusk until dawn can be frightening with blinding headlights and not being able to see anything. Without providing safe pedestrian walkways the risk of serious accidents will increase.

Construct sidewalk from Coval site to Island Crest.

The need for sidewalks along 84th Ave S.E. down to the Town Center have already been identified in the City of Mercer Island Pedestrian and Bicycle Facilities Plan (2010). The need for sidewalks will only be exacerbated with the increased traffic resulting from 18 additional homes on the Coval property. Already over three years ago three projects were identified to address the need for safer conditions for pedestrians walking from the Town Center up to 84th Avenue S.E.; these are N18 which would complete the sidewalk from the existing concrete sidewalk on S.E. 28th Street to S.E. 30th Street; N19 from SE 30th Street to SE 32nd Street; and N20 from S.E. 32nd Street to S.E. 37th Street. The Coval development should be responsible for at least some of this work.



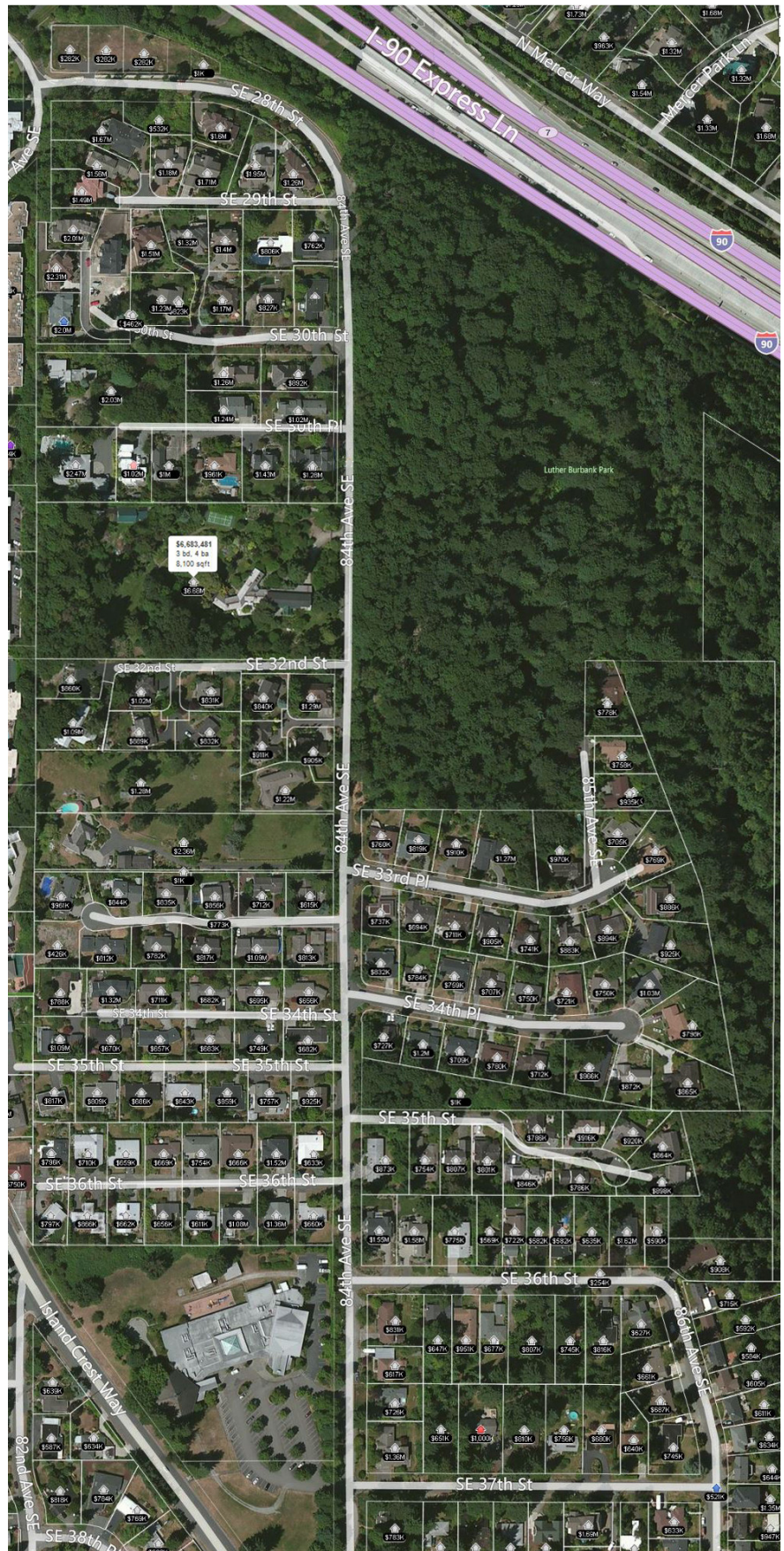
Note the lack of safe areas to walk along the road.

Current Roadway Usage

84th Ave S.E., is a key arterial also classified as a primary bicycle corridor. It is viewed as being more user-friendly than Island Crest Way for cars, bicycles, and pedestrians.

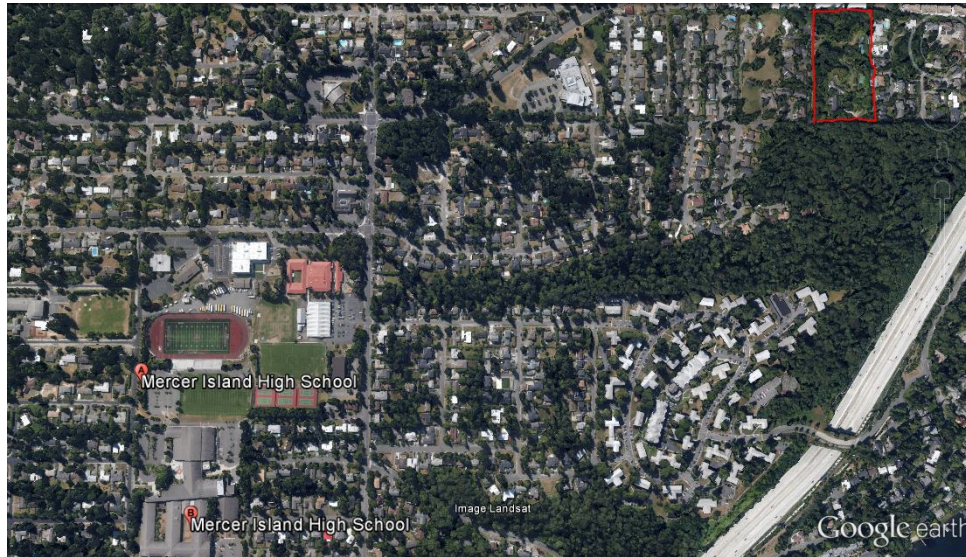
It is frequently used as a shortcut and to avoid using Island Crest Way to get to I-90 and Gallagher Hill. Approximately 140 homes have no other egress from their streets and must exit via 84th Avenue S.E.

It is neither wide enough nor configured to handle a mix of cars, bicycles, adults and children who may also be walking dogs, pushing strollers, or skateboarding. There are a number of schoolbus stops along the road but there are no sidewalks where children can wait. It is not safe during daylight hours and it can be treacherous after dark as there is no lighting other than what might come from some homes. Being a long straight road with no traffic lights, stop signs or speed bumps, cars frequently speed in both directions. There are hidden driveways and much plant growth at corners blocking the views of drivers both entering and exiting the side streets.



As there are no sidewalks, pedestrians can frequently be seen walking three or more-abreast and then scurry to the side of the road when cars pass by.

The Coval property is just 1.2 miles from the High School which will probably also soon be the home of a new elementary school to accommodate a growing student population which will drive even more traffic through 84th Avenue S.E. The Coval property is outlined in red.



Impact of Coval Plat: Traffic Impact Analysis

The developers have submitted a traffic generation report which suggests that there will only be 13 Peak AM trips and 17 Peak PM trips generated by the new development. This was determined by using a formula in the *Institute of Transportation Engineers (ITE), Trip Generation Manual* and is based on the number of homes in a development or on a street, and drawing from studies around the country to obtain national averages. We can all agree that Mercer Island does not reflect national averages, and the homes to be built with a sales prices of \$1.5 to 2 million, are not "average". As the developer's peak hour trip numbers are below 20, the developer elected to not conduct a full-blown Traffic Impact Analysis, which is required by SEPA if the peak hour trips are over 20.

The ITE manual also provides another metric to determine peak hour trips which is based on numbers of cars per home which is deemed to be more reflective of specific communities and accurate for the purposes of projecting peak hour traffic flows; the factor can be found on p.316 of the 9th edition of the ITE Manual. To provide the Planning Commission and the City Council with what we believe to be a better projection of increased traffic as a result of this Mercer Island development, we conducted a survey of the number of cars per home in the immediate neighborhood of the proposed development, encompassing homes from S.E. 28th Street to SE 32nd Street. The Zillow home value ranged from \$739,000 to \$2.35 million with an average value of \$1.26 million which is somewhat less than the expected cost of the new homes. The survey was sent to forty homes; three surveys were returned and two others inadvertently went to individuals not living in the area. A total of 23 homes reported 57 cars with car ownership ranging between one and five cars per home. Results are shown for the first 18 to respond and also averaging the total and using the average to determine the total number of PM Peak Hour trips generated. The 0.67 factor is derived from the ITE manual. The results are as follows:

Homes	Total Cars	Average # Cars / Home	Factor	PM Peak Hour Trips Generated
First 18	46	2.555	0.67	30.82
All 23 respondents	57	2.478	0.67	29.88

Using this data, which is much more characteristic of Mercer Island, the Planning Commission should ask the developers to conduct the necessary Traffic Impact Analyses as there will be many more trips generated than projected. This needs to be taken into account as plans are made for building roadways, parking, sidewalks, and bus stops for children.

Construct sidewalk from Coval site to Island Crest.

The need for sidewalks along 84th Ave S.E. down to the Town Center have already been identified in the City of Mercer Island Pedestrian and Bicycle Facilities Plan (2010). The need for sidewalks will only be exacerbated with the increased traffic resulting from 18 additional homes on the Coval property. Already over three years ago three projects were identified to address the need for safer conditions for pedestrians walking from the Town Center up to 84th Avenue S.E.; these are N18 which would complete the sidewalk from the existing concrete sidewalk on S.E. 28th Street to S.E. 30th Street; N19 from SE 30th Street to SE 32nd Street; and N20 from S.E. 32nd Street to S.E. 37th Street. The Coval development should be responsible for at least some of this work.

Recommendation: *The road should be built to the same standards as S.E. 33rd^h Place and S.E. 34th Place, both of which are 30' wide, including a 1-foot wide gutter on each side. Cars can pass easily even if there is a car parked on one side of the street.*

1. Internal Road

The proposed internal road (20' wide) will be too narrow to accommodate the proposed 18 homes even if each home has room for three parking spaces within a driveway and some of the homes are accessed from 84th Avenue S.E. A too narrow street will result in:

- overflow parking onto 84th Avenue S.E. which is not designed to handle overflow parking,
- difficult circulation at peak traffic times, especially if there are any cars parked in the street; and
- slow (if not stoped) car passage when garbage and recycling trucks, and large vans are servicing the street.



The experience of older neighboring roads that are narrow (20-24') is that it can be difficult to pass through the street if there are cars parked on the street, especially if they are on both sides; if two cars have to pass one another, one car almost always has to pull over to let the other one by. If anyone has a party, there is almost always overflow parking onto 84th Avenue S.E. If two houses have a party then you can be forced to park some cars at the Park and Ride lot. On a street with less than ten houses, with several empty-nesters and no teenage drivers this is a problem. On a street with 14-18 new larger houses, probably with at least some teenage drivers, this will be disastrous. It will also be dangerous for children, who though they may not be allowed to play in the street, will almost invariably have games that place them in the street and to ride bicycles and skateboards.

More recent developments such as S.E. 33rd Place and S.E. 34th Place have approximately the same number of homes as being proposed for this development. Their streets are 30' wide including a curb and one foot gutter on each side. There is room for parking on the road without impeding the flow of traffic.



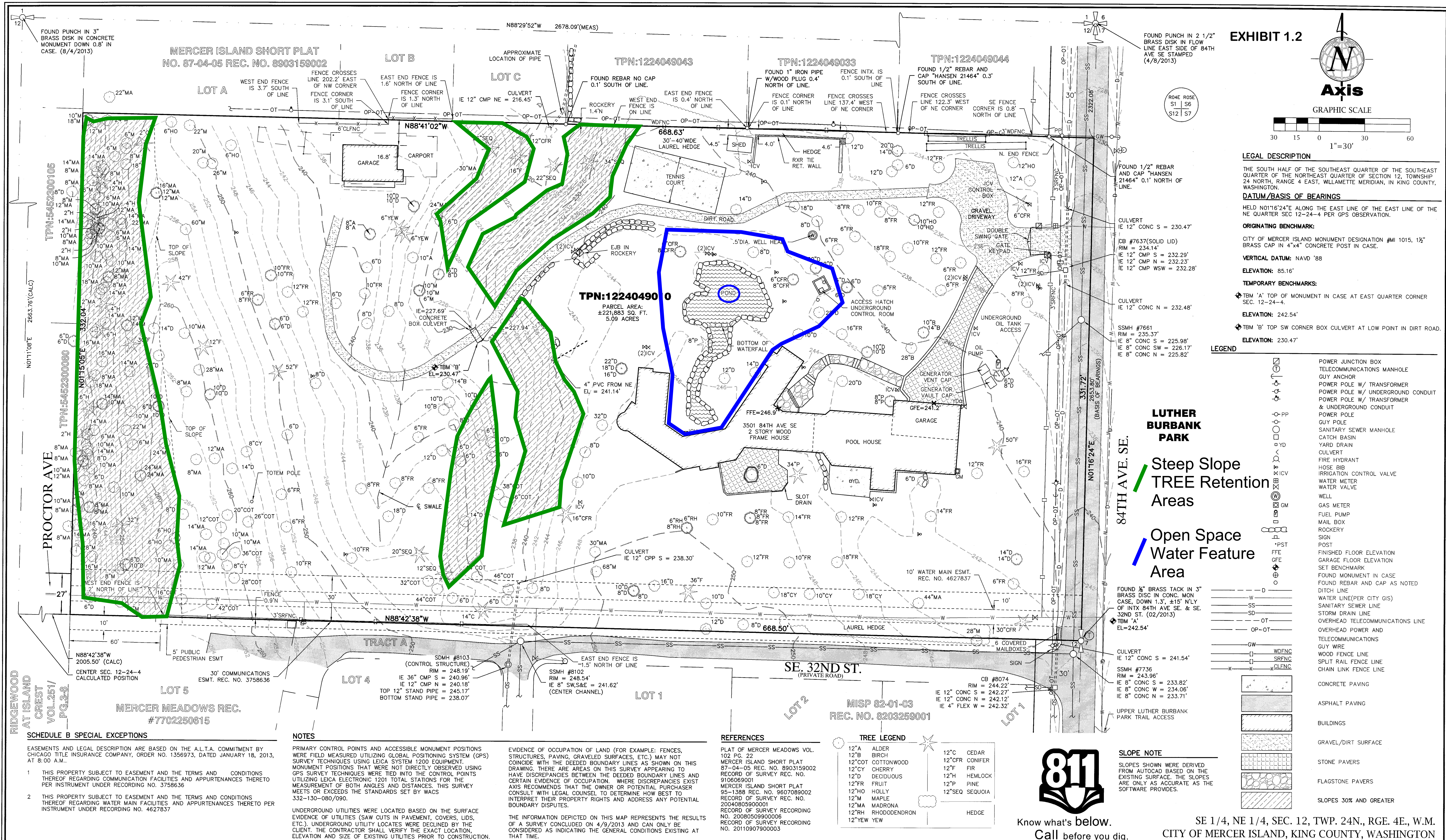
S.E. 33rd Place



Recommendation: *The road should be built to the same standards as S.E. 34th Place and S.E. 35th Place, both of which are 30' wide, including a 1-foot wide gutter on each side. Cars can pass easily even if there is a car parked on one side of the street.*







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January 22, 2014

City of Mercer Island Planning Commission
c/o Principal Planner, George Steirer
9611 SE 36th Street
Mercer Island, WA 98040

Via Email, c/o:
George.Steirer@mercergov.org and
Ali.Spietz@mercergov.org, City Clerk

Re: Coval Plat (SUB 13-009, SEP 13-031)

Dear Planning Commissioners:

As directed by the Planning Commission at its January 15, 2014 meeting, these are additional comments on the proposed Coval Plat made on behalf of Mercer Island Residents for Responsible Residential Development (Friends). This letter and other materials should be included in the Project Notebook previously provided, under the new Tab 12 included with these documents, "Supplemental Comments."

This letter is written to provide responses to the City's staff report and supplemental material presented by the applicant at the January 15 hearing, particularly the 27 page "Response to Comments" handed out at the hearing. We will reference these responses by the acronym "RTC" and the page number.

1. SUBMISSION OF FRIENDS MATERIALS.

There were comments made at the January 15 hearing that Friends' notebook and other materials should have been submitted earlier than the evening of the hearing.

In fact, as explained in earlier correspondence (see letter to city dated January 14, 2014), City staff delays caused the difficulty in Friends' ability to provide their documents and presentations to the Planning Commission at an earlier time. In particular, my staff was informed by Shana Crick well before the hearing (December 30) that Planning Commission agendas and packets (containing the staff report) are sent at the same times and:

The agenda for the January 14, 2013 (sic) meeting will likely be ready the morning of Friday, January 10, 2013 (sic). Since Mr. Aramburu is a party of record, you will receive an electronic copy of the agenda along with a link to the Planning Commission packet.

Because of the importance of the staff report, it is a key document for interested parties to review before the public hearing to be held by the Planning Commission.

However, for reasons that were never explained, city staff delayed the dissemination of the staff report from Friday to mid afternoon on Monday, essentially reducing the public's opportunity to review and prepare comments on the report by three days. Given the importance of this plat to the city and interested parties, such delay is inexcusable. Of course, such delays did not impact staff or the applicant, who worked closely together and were in agreement on all essential points.

2. ACCESS TO THE SITE.

Friends has repeatedly sought access to the site to verify and review the representations of the applicant concerning physical conditions of the site, especially related to highly contested issues regarding stormwater runoff and site watercourse / wetlands. As stated in the RTC at page 5: "The owners did not grant access permission" stating that

The site drainage and watercourse characteristics can be viewed from adjacent properties to the north and south . . .

No one can determine drainage and watercourse characteristics by peeking over a fence from 150 feet away.

Friends contacted the developer on January 3rd requesting opportunity to go on the property. Such request was timely and gave sufficient time to arrange for a brief site inspection.

3. RAIN GARDENS.

The applicant handed out full color landscaping plans at the hearing on January 15, which included sketches of "Rain Gardens" apparently to be installed on site. Other than the attractive sketch and plan view, no detail is provided concerning these features.

In hydrologic usage, a "rain garden" is a feature which infiltrates water from the surrounding area. However, the use of such a feature here is inconsistent with the engineering plans for the project. Indeed, as disclosed at the hearing, the runoff from the site will be routed to the stormwater vault on the eastern portion of the site. The rain gardens appear to have no function and thus should be ignored as a site feature.

4. APPLICATION OF THE MERCER ISLAND COMPREHENSIVE PLAN.

Under the terms of the Local Project Review statute, RCW 36.70B.030, "Project review--Required elements--Limitations:"

(1) Fundamental land use planning choices made in adopted comprehensive plans and development regulations shall serve as the foundation for project review.

In the City of Mercer Island, the Council has chosen to require that preliminary plats meet comprehensive plan requirements:

19.08.030 Design standards.

A. Compliance with Other Laws and Regulations. The proposed subdivision shall comply with arterial, capital facility, and land use elements of the comprehensive plan; all other chapters of the development code; the Shoreline Management Act; and other applicable legislation.

(Emphasis supplied). Thus conformance with some requirements of the code does not assure approval. As noted in our prior correspondence, the proposal is inconsistent with multiple goals and policies of the Mercer Island Comprehensive Plan and the Planning Commission should take the actions specified at Tab 11 of our Project Notebook to assure conformance with Mercer Island codes.

5. DESIGN REVIEW IS REQUIRED.

As indicated under Tab 4 of Friends' notebook, City staff has failed to have the Coval plat reviewed under the terms of MICC chap. 19.12, setting the process for design review of developments outside the Town Center. The staff and applicant want to avoid design review and claim that the Mercer Island codes do not require it.

But no matter what staff believes, the plain language of the City's ordinances is controlling. This is no better explained than in a recent case involving another erroneous interpretation of Mercer Island ordinances, *Faben Point Neighbors v. City of Mercer Island*, 102 Wash.App. 775 (2001). In that case, the City's codes required lot width of only 90 feet, but the Planning Commission and City Council approved a plat with lots from 69.5 to 80 feet in width. On judicial review, the City asked the court to ignore the plain language of its ordinances based partly on the long term interpretation of the ordinances in question; the Court did not accept the City's contentions:

We reject Appellant's invitation to adopt novel rules of statutory construction. Were there ambiguity in the language of the enactments, or actual conflict with the GMA, we would surely investigate the underlying legislative intent. In the absence of ambiguity or conflict, however, a sterile exercise in logic is exactly what is called for: the words mean what they say.

Nor does the City's six-year history of erroneously interpreting its zoning code and interim critical areas regulations change our analysis.

Misunderstanding or misinterpretation of a statute or ordinance by those charged with its enforcement does not alter its meaning or create a substitute enactment. Both the City and Pacific Properties are bound by the ordinances as written. See, e.g., *Dykstra v. Skagit County*, 97 Wash.App. 670, 677, 985 P.2d 424 (1999) (local government entity's prior

erroneous enforcement of a land use regulation does not foreclose proper exercise of authority in subsequent cases), review denied, 140 Wash.2d 1016, 5 P.3d 8 (2000). *In Clark County Natural Resources Council v. Clark County Citizens United, Inc.*, 94 Wash.App. 670, 677, 972 P.2d 941, review denied, 139 Wash.2d 1002, 989 P.2d 1136 (1999), this court explained:

Although a court will defer to an agency's interpretation when that will help the court achieve a proper understanding of the statute, "it is ultimately for the court to determine the purpose and meaning of statutes, even when the court's interpretation is contrary to that of the agency charged with carrying out the law." Here, in our view, the Board misread the statute and exceeded its authority. If we were to defer to its ruling, we would perpetuate, not correct, its error. Under these circumstances, we hold that deference is not due.

(Citations omitted).

Here, too, we decline to endorse the City's erroneous interpretation.
102 Wn.App. at 781-82.

These rules apply here. The plain language of the City's ordinances requires design review for all "regulated developments," which includes preliminary plats. See Tab 4 of Friends' Project Notebook. The staff's continuing refusal to require design review by the Design Commission is clear error requiring correction by the Planning Commission.

6. TREE PROTECTION DEFERRED TO HOUSE DEVELOPMENT.

There have been multiple requests for preservation of the trees on the Coval property. In doing so, various commenters, including Friends, have pointed out that many of the trees on the site were part of historic plantings, largely intended to create an arboretum environment. This is emphasized by the following quotation from the covalhouse.com website, in its section on the "Ornamental Gardens:"

The ornamental gardens on the Coval estate are entirely the work of Barbara Coval. When Barbara and Myer purchased the property in 1981, the property was sprinkled with fruit and nut trees, most from David Alexander and a few more from the Starrs. The west two acres were an impenetrable bramble of blackberries and alder, but in time the overgrowth was cleared and the Streuobstwiese was expanded. Over a thirty-year period Barbara brought in specimen plants, trees and perennials, and established an impressive and beautiful garden of her vision and making.

The ornamental gardens are anchored by a remarkable array of mature native trees including Madrona, Big Leaf Maple, Mountain Ash, Fir, Holly, and Cottonwood. The west end of the property, a sloping hill side with a view to downtown Mercer Island, is left in its natural state as a buffer zone and is rich in native trees and groundcover that has remained unchanged for over 100 years.

In addition to the native trees, the fruit and nut trees contribute to the structure of the landscape and help define distinct areas around the estate.
(Emphasis supplied). Preservation of these areas is essential.

The applicants seek to avoid addressing their destruction of these unique features by requesting that the preservation of individual trees should be deferred to individual house construction. This is a welcome solution for the developers, because they will likely sell off the lots and avoid any further responsibility for tree preservation. However, there is no public review of individual single family building permits and no opportunity for comments or input by the public. It is likely that the lot owner will claim trees must be removed to meet the requisites for house construction, and the need to preserve individual trees will likely take a subordinate role.

The Planning Commission is urged to assure tree preservation now, as a part of this process, and not defer the issue to a later time.

7. WIDTH OF PRIVATE ACCESS ROAD AND TURN-AROUND SHOULD BE INCREASED.

During the comment period and at the public hearing, there were concerns expressed about the width of the private access road running through the center of the proposed plat. The applicant contends that it is only required to construct a road that is a maximum of 20 feet in width. However, commenters expressed concerns that such a street would not allow parking, which would create parking overflow to 84th. The Planning Commission should increase the width of the central access road.

First, MICC 19.09.040 states that: "B. All private access roads serving three or more single-family dwellings shall be at least 20 feet in width." Thus twenty feet is the minimum required width, not the maximum.

Second, the internal access road is a dead end street serving at least 14 lots, and 18 lots if the Planning Commission does not allow the easterly four lots to access directly to 84th. Under MICC 19.09.030, regulating "Public and Private streets," standards are set for "Dead-End Streets" which require, under MICC 19.09.030(D)(2)(a) that a dead end street serving between 11 and 20 lots have a right of way of between 35 and 50 feet, about twice the width proposed by the applicant. Accordingly, the width of the street must be increased, which will also allow for parking.

Third, the code has specific provisions for dead end private access roads found in MICC 19.09.040(D) and (D), as follows:

D. All private access roads in excess of 150 feet in length, measured along the centerline of the access road from the edge of city street to the end of the access road, shall have a turn-around with an inside turning radius of 28 feet.

E. All cul-de-sacs shall be at least 70 feet in diameter; provided, cul-de-sacs providing access to three or more single-family dwellings shall be at least 90 feet in diameter.

Though the length of the private road substantially exceeds 150 feet, there is no turn-around provided and no cul-de-sac with a diameter of at least 90 feet. MICC 19.09.040 has no provision for deviation from these private road standards and accordingly a

variance from the standards is required to approve the present plan. See MICC 19.15.020(G)(4).

Fourth, because the Coval plat proposes a private, not public street, the eventual homeowners will be responsible for the maintenance of the road and responsible for damages to public and private property occasioned by the upkeep of the road. Provisions for homeowner responsibility for the private roads would ordinarily be found in restrictive covenants (or "Covenants, Conditions and Restrictions"), which are required to be included as a part of the plat application. See MICC 19.08.020 (D)(4)(a). However, the current application contains no restrictive covenants or other documentation explaining how the private roads would be maintained and setting financial obligations of the owners. This application should be returned to the applicant with directions to provide the required restrictive covenants and other documentation as to the private road.

8. MOVING THE POOL ROOM.

At the hearing, there was some discussion of the possibility of relocation of the pool room and its donation to a local theater organization.

While a placating gesture, there is no evidence that this unique structure can in fact be picked up, put on a truck, moved and put in place at another location. Lacking such evidence, the Planning Commission should disregard the gesture.

The Pool Room, described in the covalhouse.com web site at http://www.covalhouse.com/pool_room.shtml, has several features that appear to be impossible to be moved.

First, the walls are solid granite. There is a waterfall that "cascades down a wall of solid granite boulders." How walls of solid granite and walls constructed of granite boulders can be moved is a mystery.

Second, the roof is a truss system. As the website explains: "A crew of 10 woodworkers labored for over 18 months to create and install the trusses, which were joined and assembled one piece at a time on site." No information is provided supporting the feasibility of relocating this feature.

Third, again as the website explains, "The exterior roof is standing seam solid copper, and the poolroom rests on 500 tons of granite that visually anchor the structure to the land." There is no explanation as to how 500 tons of granite will be moved to a new location or how the roof would be preserved.

Fourth, much of the exterior of the pool room is large sections of glass designed to allow light into the pool area. Again, photos of the Pool Room found on the website show these features.

Fifth, the floors are set on a solid foundation: "4 inch bluestone floors were set by master stonemason Dan Gagnonfour." This foundation will be impossible to move.

The Planning Commission should treat the gesture of willingness to move the Pool Room as just that, a gesture, lacking any evidence that it can be realistically accomplished.

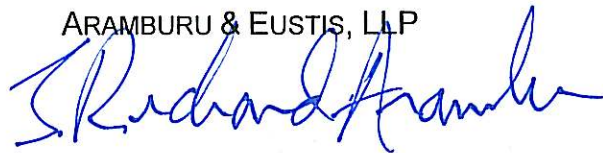
9. RECOMMENDED ACTIONS AND CONDITIONS.

Based on the record as a whole, Friends requests that the Planning Commission take those actions described under Tab 11 of our submission of January 15, 2015. Each action is supported both by comments and other evidence received during the public hearing process. In addition to the adoption of these recommended actions, the Planning Commission should direct staff to adopt findings and conclusions consistent with such actions.

We thank the Planning Commission for its careful attention to all of the materials received; we will attend the January 29, 2014 planning commission meeting prepared to answer any questions that the Commission may have.

Sincerely yours,

ARAMBURU & EUSTIS, LLP



J. Richard Aramburu

JRA:cc

cc: Clients

EXHIBIT 153

Shana Crick

From: Terry Lee [jterrylee44@hotmail.com]
Sent: Wednesday, January 22, 2014 4:51 PM
To: Shana Crick; drferse@gmail.com
Subject: Coval Property Development

Follow Up Flag: Follow up
Flag Status: Flagged

Shana,

Please note that I have reviewed available information for the Coval property development. It appears that many city codes are being stretched or ignored in order to allow the high density development to proceed. Steep slope, watercourse, and preserving natural island beauty included.

My main objection is the density planned which runs counter to preserving typical Mercer Island neighborhoods. I think it will become a high density eyesore when viewed along with the existing neighborhood.

After attempting to divide my Mercer Island property for the last 3 years and failing due city codes and regulations, I will have a special interest in watching how this project deals with the same regulations.

Thank you for your attention,
James T. Lee
4001 West Mercer Way

EXHIBIT 154

Shana Crick

From: Luce Family [lucefamilly4@msn.com]
Sent: Wednesday, January 22, 2014 4:59 PM
To: Shana Crick
Subject: Coval Development

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Shana –

We live next door to the Coval property, the sight of a proposed large-scale housing development. As you know and the Planning Commission know, Canadian investors are planning to demolish the current single-family home, remove much of the trees and vegetation, and re-grade the hillside to accommodate 18 homes.

We understand the development of multi-acre pieces of property on Mercer Island is inevitable. While we'd like the Coval property to remain one single-family residence, we know it won't. Our concern is that the developer is disrupting the steep slopes and established watercourse running through the property to accommodate the 18 homes. The watercourse serves as a conduit of water runoff for many homes north and south of the property. Altering this naturally occurring waterway increases the risk of flooding, excess runoff, and spillage, posing a flooding risk to nearby homes.

Allowing the removal of the ridge top and altering the watercourse poses tremendous risks to us neighbors and fellow homeowners. Our ask is not to stop the development. Rather it's to have the City and Planning Commission not allow development on naturally occurring watercourses, steep slopes, and wetlands which jeopardize the surrounding homes and neighbors.

Respectfully,

Nate & Tammy Luce
3211 84th Ave SE
Mercer Island, WA 98040

January 22, 2014

Mercer Island Planning Commission
Attn: Bryan Cairns, Adam Cooper, Jon Friedman,
Steve Marshall, Craig Olson, Suzanne Skone
And Richard Weinman
9611 SE 36th Street
Mercer Island, WA 98040

Re: Coval Long Plat
File Nos. SUB13-009 and SEP13-031

Dear Commissioners:

Consistent with the Planning Commission instructions at the end of the public hearing on January 15, 2014, this letter and the associated attachments from the Applicant's consultant team constitutes our responses to the public comments presented on January 15, 2014.

It is our understanding that the record for submittal of written comments and new technical information closes on January 22, 2014 at 5:00 p.m., and that the Applicant will have the opportunity to present oral rebuttal to the Planning Commission at your next meeting on January 29, 2014. This gives the Applicant (and City staff) an appropriate opportunity to respond to any additional comments or information submitted by others prior to the January 22 deadline, so that we can avoid the "ambush" approach that occurred at the January 15 public hearing, when substantial information (including technical reports) were not submitted prior to the established written comment period deadline, but were instead saved for the public hearing. This approach did not give the Applicant and the City staff adequate opportunity to evaluate and respond to the new information and, likewise, did not give the Planning Commission adequate opportunity to review or ask questions concerning this additional submission to ensure a satisfactory understanding before making their recommendation.

While we continue to object to that tactic, we appreciate the additional definition that the Planning Commission has brought to the balance of these proceedings, so you can make your recommendation based on a clear understanding of the issues and the project can proceed to a final decision.

Attached to this letter are additional comments and explanations from the following consultants:

<u>Attachment</u>	<u>Consultant</u>	<u>Subject</u>
<i>Attachment A-1</i>	Scott Borgeson	Civil Engineering,
<i>Attachment A-2</i>	PACLAND Engineers	Stormwater, Drainage,
<i>Attachment A-3</i>		Streets
<i>Attachment B</i>	Chris Forster TENW	Traffic
<i>Attachment C</i>	Larry Burnstad Watershed Dynamics	Watercourse and Wetlands
<i>Attachment D</i>	John Sadler Ted Schepper Terra Associates*	Soils
<i>Attachment E</i>	Charles Wisdom ENVIRON	Stormwater Quality

*This memorandum is also referenced as part of the PACLAND submittal, ***Attachment A-1***, as it responds primarily to the questions raised regarding soil type assumption for stormwater modelling.

Each of these consultants has now fully reviewed the information presented at the January 15 public hearing; in some cases has consulted with the author of that testimony; and has explained their responses and conclusions in the attached correspondence. This letter includes a brief summary of those responses and conclusions.

This letter also contains the Applicant's responses to those portions of the neighborhood opposition group's comments presented in notebook format (*Exhibit 103*) by Mr. Aramburu and various other speakers, including the "legal analysis" (Tab 3), "Design Review and Critical Area" (Tab 4), comprehensive plan and land use (Tab 8).

Based on this additional evaluation, we again urge the Planning Commission to recommend approval of the Coval preliminary plat, with the conditions as recommended by City staff in the Staff Report presented on January 15.

THE NATURE AND EXTENT OF THE PUBLIC REVIEW AND COMMENT

At the outset, the Planning Commission should recognize the extensive (if not excessive) amount of time for public review and comment on this project—driven not by the statutory and code-prescribed time limits – but by the public's insistence on more and more opportunity to comment and repeated attempts to delay the project review. The Applicant has regularly sought

out the neighbors to discuss issues and concerns. In addition to the timeline presented by City staff at the January 15 meeting, the Applicant first began meeting with the neighbors about the project in April and May 2013. Counsel for the Applicant initiated contact with Mr. Thorpe and prior legal counsel for some of the neighbors in the summer of 2013—offering to schedule a meeting as soon as the neighbors were ready to meet. The City sponsored a neighborhood meeting on October 2, 2013. The Applicant offered to attend that meeting, but the City and the neighbors preferred to meet privately. The Applicant hosted a neighborhood meeting on December 5, 2013.

The Applicant also has more than once expressed a willingness to give the public additional time for review and comment, first by agreeing to the second round of MDNS comments (11/18-12/11 and again 12/23-01/06) and then by further agreeing to an additional week extension of the preliminary plat comment period.¹ There has been more than adequate opportunity for the public to comment constructively on the merits of the proposal. The Planning Commission should not condone any additional attempts to delay their review, or their decision making process with further requests for delay or objections to the adequacy of the public process.²

LEGAL ANALYSIS, INCLUDING THE APPLICABILITY OF DESIGN REVIEW AND CRITICAL AREAS DETERMINATION

1. *Subdivision Criteria are Satisfied*

Exhibit 103, Tab 3 contains, in large part, a rehash of objections that have been raised and addressed either in prior staff correspondence or in the Staff Report presented to the Planning Commission on January 15. Mr. Aramburu's citations to RCW 58.17.110, regardless of whether he underlines select words in the statute or not, do not change the fact that staff has reviewed the application for consistency with these requirements, including, without limitation, how the project provides for access, utilities, open space, drainage and other listed items, and has concluded that the project satisfies those requirements. As demonstrated by the Staff Report and prior information submitted by the Applicant, the proposed subdivision meets all code requirements for these elements. More specific rebuttal regarding stormwater and transportation issues is found in the attachments from PACLAND (*Attachments A-1 and A-2*) and TENW (*Attachment B*), respectively.

¹ One clarification on the Applicant's consent to the final extension to January 13, 2014, is necessary, however. The Applicant agreed to an additional week extension to the comment period on the preliminary plat, but not on the MDNS. (See email from the author of this letter to the City Attorney dated December 30, 2013, *Exhibit 79*). During the January 15 presentation, staff described this consent as consent to an extension of the MDNS comment period.

² This is especially the case where the neighborhood opposition group has demonstrated its inclination to withhold information until the last minute, when it failed to submit a site evaluation completed in the summer of 2013, despite repeated requests for that information from the Applicant and the City. See, *Exhibit 103, Tab 6*. The group's intention to keep comments and concerns secret is further borne out by what appears to be an admission of private trespass on the property to conduct that investigation. Neither the Applicant, nor to our knowledge, the owners, were contacted, consented to, or participated in that site evaluation.

In addition, concerns expressed about service vehicles and street widths on other adjacent streets are not applicable to this project. These streets range between 11 and 18 feet of pavement in some cases without a hammerhead or other turn-around (CDS cul-de-sac). As described in *Exhibit 35*, the project has 20 feet of pavement and an approved hammerhead. See *Attachment A-3*.

2. *Criteria to Modify a Slope are Satisfied*

The proposed subdivision also satisfies all of the code requirements for the proposed modification of the slope on the western portion of the site. As previously explained in the Geotech Reports from Terra Associates, (*Exhibits 16, 17, and 18*), the proposal to remove the top portion of the existing slope will increase slope stability, not jeopardize it. Terra Associates has provided the statement of safety required by MIMC 19.07.060 to support this slope modification. (*Exhibit 18*). Mr. Aramburu's attempts to overstate the character of this slope (calling it "old growth") are incorrect and further do not change the fact that the code permits slope modification, and that the project has satisfied the requirements for such modification. Contrary to assertions that the project will "clear-cut" the slope, the project plans to save the majority of the trees on this slope, as illustrated in the tree survey and retention plans included in *Exhibit 1*. The provisions found in MIMC 19.08.030 do not undermine the steep slope-specific provisions of MIMC 19.07.060 described above. MIMC 19.08.030 is optional, not mandatory (using the term "may," not "shall").

3. *Design Review Does Not Apply to Single Family Development*

As explained now twice before, Mr. Aramburu's insistence on Design Review under MIMC Chapter 19.12 is misplaced (*see Exhibit 103, Tab 4*). The City has not and does not apply design review to single family residential development. Single family development is expressly excluded from design review. (*See Exhibit 83*). Mr. Aramburu does not respond to that exemption. Instead he simply reiterates his prior arguments and ignores the City staff explanation. The Planning Commission should not ignore the express language of the City's design review code as explained by staff in *Exhibit 83*. As such, the references to design review provisions in MIMC chapter 19.12 are inapplicable to this single family development.

4. *A Critical Areas Determination was Not Required*

The critical areas determination process and why it does not apply to this site and this project has been thoroughly evaluated and explained by City staff and the Applicant and will not be rehashed yet again here. (*See, e.g., Exhibit 73*). Additional discussion of the watercourse characteristics and a response to the information submitted by Mr. Luchessa (*Exhibit 103, Tab 6*) are contained in the attached response from Watershed Dynamics (*Attachment C*). As explained in that attachment, Mr. Luchesse's observations do not undermine the more thorough assessment of the site and its landscaping history and the conclusions reached by both Watershed Dynamics and Watershed Company, the City's peer reviewer. Because the preponderance of the evidence confirms no watercourse or wetland; no buffers are required and, therefore, no critical areas determination to modify those buffers is necessary.

5. *The Code Does Not Require Preservation of Private Landscape Features that could Pose a Safety Hazard*

In addition, no statute or code provision cited by Mr. Aramburu requires or even authorizes preservation of artificial landscape structures such as the koi pond, as requested by the neighbors. The historic references regarding the property clearly demonstrate that this is a man-made feature (morphing from a wine cellar, to a swimming pool, to a landscape feature). (See *Exhibit 103, Tab 2*). The Applicant does intend to re-use the rocks and much of the more significant landscaping elsewhere on the site, but the City does not have authority under statute, code, SEPA or otherwise to require the Applicant to preserve this artificial feature³. Nor would the City want to assume the liability that might be associated with maintaining such a feature adjacent to the new public pedestrian facility that is being required as part of the internal road construction.

6. *The City Does Not Have Authority to Require this Project to Mitigate Existing Conditions*

Finally, and importantly, the City must remain cognizant of what conditions or deficiencies are appropriately the responsibility of the proposed development and what conditions or deficiencies are not. This is commonly referred to as the “nexus and proportionality” limitations imposed by constitutional protections and related state and federal case law. Adverse conditions or deficiencies that already exist (as asserted by the testimony regarding bypass traffic and pedestrian safety) are not the responsibility of this project to resolve. Significantly, there was no factual testimony as to how 17 additional peak hour trips somehow created (or even really significantly contributed to) these existing conditions. The commenters merely asserted such, asserting the effect was “exponential,” without any basis in fact. If the Planning Commission (or, more appropriately, the City Council in a transportation planning process) determines that bypass traffic should be re-routed, or bypass traffic speed limits should be enforced, or additional bicycle and pedestrian improvements should be constructed or existing Upper Luther Burbank park users need a place to park and to walk, that is not an impact from the proposed development. It is an existing condition. Residents of the proposed development are not likely to need to park to use the open space located immediately across the street. Residents of the proposed development are not likely to increase bypass traffic, since they live on the block, and, as explained by the existing resident testimony, local residents, such as the ones in the proposed development, are the least likely to exceed local speed limits, as they come to and from houses mid-block on 84th. Local residents on the block are not part of the bypass traffic that is described as the problem. **Attachment B** from TENW includes additional responses to other factual assertions and errors contained in the public testimony, specifically a clarification of the misunderstandings regarding trip generation rates used for the proposed development and why the per unit, rather than per-vehicle generation rates are the appropriate methodology for evaluating project impacts.

³ The pond is approximately 12 feet deep. To require its retention poses the same kind of safety hazards as requiring a property owner to retain a swimming pool without a fence.

COMPREHENSIVE PLAN AND LAND USE

The Staff Report presented to the Planning Commission contains a fairly detailed evaluation of project consistency with the Comprehensive Plan and relevant development regulations. Because staff is the party charged with the daily responsibility to interpret and apply the policies of the comprehensive plan and City regulations, we believe the Planning Commission should give strong deference to staff's input on this issue. However, even a cursory review of Mr. Thorpe's "scoring" of the comprehensive plan policies reveal an obvious intent to skew the characterizations and interpretations solely to achieve the paid-for outcome: to challenge and oppose the project. Contrary, to Mr. Thorpe's insistence, the project is not "inconsistent with the GMA," (which, in fact, requires urban densities within UGAs, and does not restrict or prohibit them); the project is not "inconsistent with LUPA" (which, by the way, contains no substantive standards for local land use decision-making, but is merely a statute that governs the process for a land use permit appeal); and the project is not "inconsistent with the vast majority of the comprehensive plan policies." As illustrated by way of example only, in Figure 1, attached to this letter, and consistent with the staff findings and recommendation regarding consistency with City plans and regulations, this proposal is consistent with, rather than inconsistent with the vast majority of the comprehensive plan policies and regulations discussed by Mr. Thorpe in *Exhibit 103, Tab 8*.

Again, the Applicant encourages the Planning Commission to seek the input of City staff to provide a more objective evaluation of the comprehensive plan and development regulations and base the Planning Commission's findings and recommendation on that staff evaluation.

SUMMARY OF ATTACHED CONSULTANT RESPONSES

Finally, *Attachments A-E*, from the project consultant team, respond more specifically to the various technical issues raised in public testimony and public comments. To summarize those reports briefly:

1. *Stormwater Issues*

Exhibit 103, Tabs 5 and 10). *Attachments A1-A3, D, and E* address storm water-related issues raised by the neighborhood group, as well as more general questions, comments and concerns voiced by other individuals who testified. As explained in *Attachment A-1*, NHC's comments regarding stormwater modelling assumptions are based on an incomplete, if not incorrect, understanding of the requirements of the stormwater manual. The post-development stormwater will be discharged (after detention and water quality treatment) to the drainage infrastructure (pipes and ditches) along 84th Ave. SE, rather than north between existing residences. This is expressly permitted by the stormwater manual, as part of the defined "threshold discharge area." As further explained in *Attachment A-1*, this is preferred, to reduce risk or potential for impact to private properties along the north drainage course. This proposed design directly responds to, and should alleviate concerns expressed by those property owners.

Attachment D (referenced in *Attachment A-1*), explains the soils characterization and why the soils identified on site are properly categorized as a Type C, rather than a Type A for pre-

development runoff assumptions. The test pits dug on the site in October refined the original information identified in the first Terra Associates report (*See Exhibit 17*), and have confirmed the Kitsap Soils characterized as Type C.

Finally, *Attachment E* responds directly to the inaccurate water quality (and salmon olfaction) information presented in Tab 10 and the testimony of Mr. Grady on January 15. As explained in that attachment, Mr. Grady cites heavy metal data from the wrong drainage basin. When the correct, or most analogous basin data is cited, there is no heavy metal exceedence. In addition, *Attachment E* explains how current best available science regarding heavy metals and salmon olfaction in Lake Washington demonstrate that the naturally-occurring dissolved organic carbons in Lake Washington actually serve as a binding agent for the heavy metals found in stormwater; and, therefore, the lower concentration levels found in Basin 6 data are not expected to impact salmon olfaction. Thus, both the level of concentration of heavy metals and the consequences testified to by Mr. Grady are incorrect and not consistent with current science.

2. *Traffic Issues*

Attachment B contains clarification and additional explanation regarding trip generation rates used in evaluating potential project impacts and demonstrates that the assumptions used are consistent with the ITE manual recommended practices—even for a community like Mercer Island. The per-unit generation rate assumptions are further consistent with the methods and assumptions used by the City in evaluating other development projects and when planning for expected city-wide transportation impacts and necessary improvements. All of the evidence from qualified transportation experts, as opposed to anecdotes from neighbors demonstrates that the proper assumptions and methodologies were used to assess project impacts. City staff should be able to confirm the methodology used for trip generation rates for other projects in the City.

3. *Watercourses and Wetlands Issues*

Attachment C responds to the observations and conclusions found in the Ecological Solutions, Inc. site assessment (Exhibit 103, Tab 6). In that assessment, Mr. Luchessa concedes that the site does not contain perennial flows and, as such, confirms the Type II watercourse mapping error. Mr. Luchessa does not document a channel, bed or banks, as required by the MIMC definition for a watercourse, but rather identifies observation of some “moist” soils where test pits were dug. Mr. Luchessa does not acknowledge or explain the downstream pipes and grass side yards that make up lower portions of this “watercourse.” Mr. Luchessa does not document all three parameters required for wetland confirmation—only his observation of “moist soils.” Finally, nothing in Mr. Luchesse’s report acknowledges or responds to the information in the Watershed Dynamics reports that documents the expected source of the soil moisture: the artificial irrigation of this area, the addition of organic material to facilitate landscaping in the area, nor the fact that this area was fertilized regularly, which could also explain the soil mottling observed in Mr. Luchesse’s test pits. Two qualified consultants (Watershed Dynamics and Watershed Company) have evaluated the site in detail, in multiple reports and reached the appropriate conclusion that the site does not meet the definition of a watercourse and the site does not contain wetlands.

cc: City of Mercer Island

Attn: Shana Crick, Senior Planner

Katie Knight, City Attorney

Applicant

Attn: Mr. Wes Giesbrecht

Mercer Island Friends for Responsible Neighborhood Development

Attn: J. Richard Aramburu

FIGURE 1: COMPREHENSIVE PLAN CONSISTENCY RESPONSE

- Goal 7 speaks to Mercer Island remaining, principally, a low density single family residential community. In contrast to Mr. Thorpe's "subjective" scoring, the Applicant suggests that a proposed single family residential development at the low end of the allowed density should be scored a "+ +" using Mr. Thorpe's methodology.
- Similarly policy 7.1 should be scored a "+ +", since to authorize the type of development preferred by the neighbors (retaining the existing 1 DU per 5 acres) would require a code amendment, which would be inconsistent with this policy.
- Policy 7.2: It is frankly incomprehensible to the Applicant how a proposed development of approximately 3.5 DU/acre scores a "- -" for a policy that states that residential densities should generally be between 3 and 5 DU/acre. This item should also score a "+ +" as the proposed density is an exact fit to the policy. The Applicant is not pursuing "higher" densities than that, as described in the policy (nor is it likely that is what the neighbors are seeking). The optional standards for development noted by Mr. Thorpe are just that—optional, and do not undermine the fact that the project falls squarely within the parameters of this density policy.
- Similarly, policy 7.4 should score a "+ +", not a "- -", since the project is not proposing any of the incompatible land uses listed in this policy.
- The Applicant would score goal 8 as either "S", or as "N/A", not as "- -", since we are not trying to achieve densities above what the code would allow (and nor does it appear, based on the public comment, that this is what the neighbors are asking the City to require). Failure to seek higher densities than permitted by code certainly doesn't merit a "highly incompatible" scoring.
- Policy 8.2 has been achieved by the proposal, since "through zoning and land use regulations" this project is providing the development capacity intended by the R-9.6 zoning. This is a fact, not a subjective judgment and, as such, should score "+" or "+ +".
- Policy 8.3 and 8.4 are, at best, subjective, or not applicable, and more likely at "+" since these policies should not be interpreted to require EVERY development include a range of housing types or EVERY development to include accessory dwelling units. Further, as noted above, it is not likely that the neighbors would support even higher densities of residential development if additional housing types or ADUs were included.
- Policy 8.5 encourages infill development. That is exactly what this project provides. Why that scores a "- -" under Mr. Thorpe's characterization, is not explained. The portion of the policy related to critical areas (and, presumably Mr. Thorpe's characterization of this portion of the policy) ignores the evidence in the record from two qualified consultants that there are no wetlands or watercourse on the property.

CONCLUSION

The record demonstrates that the proposal, as conditioned by staff, complies with applicable City plans and regulations, and appropriately mitigates impacts associated with the development itself.

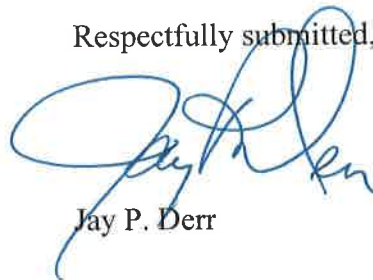
The proposed *stormwater* system will be designed and sized to protect downstream drainage courses and, based on most current science, is not expected to impact salmon fisheries in Lake Washington.

The evidence regarding *wetlands and watercourses* on the site confirm that the City's watercourse mapping (Type II) is incorrect. There are no wetlands or watercourses present on the site and, as such, no buffers or critical areas determination to modify those buffers is required.

Most all of the testimony regarding *traffic and pedestrian* safety is anecdotal and, more importantly, relates to existing conditions and other traffic patterns or behaviors unrelated to the proposed development. The proposed pedestrian connection through the site and the increased right-of-way and gravel shoulder more than address project-related impacts, and further contribute to a broader pedestrian and bicycle use by the community as a whole.

For these reasons, we urge the Planning Commission to recommend approval, with the conditions proposed by staff in their January 15 Staff Report. The Applicant and our consultant team will be available on January 29, 2014, to present our final rebuttal and answer any further specific questions.

Respectfully submitted,



Jay P. Derr

Attachments

- A-1, A-2:** Scott Borgeson | PACLAND (civil engineering; stormwater; drainage)
- B:** Chris Forster | TENW (traffic)
- C:** Larry Burnstad | Watershed Dynamics (watercourse and wetlands)
- D:** John Sadler and Ted Schepper | Terra Associates (soils)
- E:** Charles Wisdom | ENVIRON (stormwater quality)

EXHIBIT 156

Attachments A-1, A-2, A-3

Scott Borgeson | PACLAND Engineers

Civil Engineering; Stormwater; Drainage; Streets



January 21, 2014

City of Mercer Island
Development Services Group
9611 SE 36th Street
Mercer Island, WA 98040

Subject: Coval Long Subdivision – File No. SUB13-009
Response to Northwest Hydraulic Consultants Stormwater Review
Dated January 9, 2014

Dear Sir or Madam,

We have prepared this letter in order to provide formal responses to Northwest Hydraulic Consultants' (NHC) *Review of Stormwater Quality Aspects of the Proposed Coval Property Development* prepared by K. Malcolm Leytham regarding the Coval Property long plat application dated October 30, 2013. With this letter, we have addressed each of NHC's comments.

We have included a brief summary of NHC's comments followed by our response in ***bold italics***.

Calculations of Pre-Development Flows:

1. Incorrect drainage area used in pre-development runoff calculations at Point of Compliance.

Mr. Leytham states in his letter, "the pre-development flow calculations in the SSP [Stormwater Site Plan] incorrectly assume that [the] proposed post-development drainage configuration represents the pre-development configuration, with the entire pre-development area of 4.82 acres subject to stormwater control assumed to drain east to the stormwater conveyance system on the west side of 84th Avenue SW".

Response: This statement ignores the stormwater manual provisions for "threshold discharge area". Per the 2005 Department of Ecology Stormwater Management Manual for Western Washington (DOE Manual), minimum requirement #7 flow control is to be applied to areas within the same threshold discharge area(s) of the site. The threshold discharge area is defined as "an onsite area draining to a single natural discharge location or multiple natural discharge locations that combine within one-quarter mile downstream." (Page 2-7 of Volume 1 of the DOE Manual, copy attached) Using the City of Mercer Island's Information and Geographic Services map portal, the existing area draining north through the existing swale and the existing area draining east towards the road side swale in 84th Avenue SE combine approximately 900-ft downstream of the site, which is less than one-quarter mile. Since the two discharge areas combine within less than one-quarter mile, they are located within the same threshold discharge area. It is therefore appropriate to model the portions of the site that discharge at the north property line and at 84th Avenue SE as one area in the pre-development conditions.

PACLAND has calculated that approximately 0.27 acres of development will continue to drain north through the existing swale rather than being routed through the detention vault. PACLAND has accounted for this area as bypass when performing runoff calculations. Per

the WWHM3 (Western Washington Hydrology Model) Project Book by Clear Creek Solutions, "the introduction of a bypass basin does not exempt the bypassing runoff from Point of Compliance requirements. It simply means that the [vault] must be sized so that the undetained runoff from the bypass basin plus the [vault] discharge together meet the flow duration standard." (Page 153 of the WWHM3 Project Book) As the swale draining to the north and the vault discharge are within the same threshold discharge area, PACLAND is correct in analyzing the Point of Compliance at the vault discharge in WWHM3. In addition, as explained in item 3 below, given the choice between the 84th Avenue discharge and the north property line discharge, which then runs through downstream side yards, some of which are piped and some of which are open swale, in our judgment there is less risk to downstream properties by using the 84th Ave. drainage.

2. Inaccurate classification of soils as Type C in runoff calculations.

Response: Please see the attached Hydrologic Soil Group Memo from Terra Associates, Inc., dated January 21, 2014. Based on the information provided in their memo, it is clear that because of the relative impermeability of the site soils, they are appropriately modeled as "Type C" for purposes of our stormwater facility sizing.

Minimum Requirement #4: Preservation of Natural Drainage Systems and Outfalls

3. "The proposed stormwater management system for the Coval Property appears to violate Minimum Requirement #4 in that runoff from areas naturally tributary to the swale running south-north through the center of the site is diverted to the conveyance system along 84th Avenue SE"

Response: Per the Minimum Requirement #4 of the DOE Manual, "natural drainage patterns shall be maintained, and discharges from the project site shall occur at the natural location, to the extent practicable. The manner by which runoff is discharged from the project site must not cause a significant adverse impact to downstream receiving waters and downgradient properties." (Page 2-25 of Volume 1 of the DOE Manual)

PACLAND proposes to maintain natural discharge patterns to the maximum extent practicable. In the existing conditions, the majority of the project site stormwater runoff is discharged at two locations, the swale to the north and the road side swale along 84th Avenue SE. Both of these flow paths combine within less than ¼ mile downstream of the site. Therefore, they comprise one "threshold discharge area". The intent of Minimum Requirement #4 is to prevent "diversion" of stormwater from one threshold discharge area to another. The intent of the proposed design is maintain the stormwater flows within the same threshold discharge area, so that natural drainage patterns are maintained in this basin, while also protecting downgradient properties.

The drainage path from the north property line traverses through landscaped yards and passes close to several homes that have been built along the flow path. (Please see pages 15 through 17 of the Stormwater Site Plan by PACLAND and included as attachments to this letter.) Based on our qualitative analysis of this flow path, it appears that it is not well-defined in some locations and may cause nuisance drainage problems for downstream property owners due to the close proximity of several homes and accessory improvements to this flow path. However, the drainage path in the road side swale along 84th Avenue SE appears to be well-defined and well-maintained. (Please see pages 8 through 14 of the Stormwater Site Plan by

PACLAND and included as attachments to this letter.) Based on our evaluation of these systems, it was determined that discharging the majority of the project's stormwater runoff to the 84th Avenue SE swale would reduce the potential for adverse impacts to downgradient properties. It was determined that this would also reduce the risk of adverse impacts to downstream receiving waters, since the road-side swale appears to have a more stable banks that would be less likely to erode during large storm events. For these reasons, the proposed design meets the requirements and intent of Minimum Requirement #4.

Off-Site Analysis

4. Although entitled "Offsite Analysis Report", no actual analysis of the downstream (offsite) drainage system is provided. There are no estimates of the capacity of the drainage system, no estimates of current (i.e. without project) flow in the system, and no discussion or analysis of capacity limitations.

Response: Per section 2.6.2 of Volume 1 of the DOE Manual, "development projects that discharge stormwater offsite shall submit an offsite analysis report that assesses the potential off-site water quality, erosion, slope stability, and drainage impacts associated with the project.... upon review of the qualitative analysis, the local administrator may require that a quantitative analysis be performed." (Page 2-40 of Volume 1 of the DOE Manual) While performing the offsite analysis, no problems were observed and the drainage paths were shown to have adequate capacity, as there were no signs of excessive erosion or overtopping of their banks. Per the requirements of the offsite analysis report, the City of Mercer Island has reviewed our report and was satisfied with the qualitative analysis. Therefore, they did not require an additional quantitative analysis.

As a part of our qualitative analysis, we examined the size of the existing culverts both upstream and downstream of the point of convergence of the 84th Avenue SE system and the system that runs through the middle of the neighborhoods north of the Coval property. We found that the most downstream culvert in the 84th Avenue SE system is a 12" concrete pipe. We also found that the culvert that crosses SE 28th Street, downstream of the convergence point, is a 12" concrete pipe. This comparison formed part of our qualitative assessment that the system in 84th has sufficient capacity for the stormwater flows that will be directed to it from the proposed development. This information can be independently verified using the City of Mercer Island's GIS Portal, which is available to the public. (Please see the Downstream Analysis contained on pages 8 through 17 of the Stormwater Site Plan by PACLAND and included as an attachment to this letter.)

Based on the information provided above and in the official application record, we believe that the stormwater management system as designed, meets the requirements of the City of Mercer Island and the Washington State Department of Ecology. We further believe that the design addresses any potential for adverse impacts to the downstream property.

If you should have any questions during your review, please do not hesitate to contact me at sborgeson@pacland.com or at (425) 453-9501, x1528.

Sincerely,



Scott Borgeson, P.E.
Project Manager

Page 4

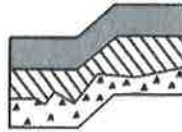
City of Mercer Island - Development Services Group

January 21, 2014

Enclosures:

- Hydrologic Soil Group Memo by Terra Associates, Inc., dated January 21, 2014
- Excerpt from Stormwater Site Plan Report by PACLAND
- Stormwater Management Manual for Western Washington (2005), Volume 1 by Washington State Department of Ecology Pages: 2-7, 2-25 and 2-40
- Western Washington Hydraulic Model 3 Project Book by Clear Water Solutions, Inc., Page 153

MEMORANDUM



TERRA ASSOCIATES, Inc.

Consultants in Geotechnical Engineering, Geology
and
Environmental Earth Sciences

To: Scott Borgeson, P.E.
PacLand
From: Ted Schepper, P.E.
Subject: Hydrologic Soil Group
Ref: Terra Associates Reports dated
7-29-13 and 10-7-13

Date: 1-21-14
Project Number: T-6915
Project Name: Coval Property
Mercer Island, WA

Scott:

As requested we have reviewed soils information contained in the referenced reports. The purpose of our review was to respond to comments contained in a report prepared by Northwest Hydraulic Consultants (nhc) dated January 9, 2014 regarding appropriate hydrologic soil grouping for the soil conditions observed at the site.



The most recent geologic mapping of the site indicates soil conditions in this area originated as glacial recessional outwash deposits (Qvr). As noted in our referenced July 29, 2013 report we did not observe soils consistent with recessional outwash with the soils generally consistent with Advance outwash (Qva) which is also mapped near the site vicinity. Test pits excavated on the site for the referenced October 7, 2013 report noted the soils in the upper three to five feet to consist mostly of silty fine sand to sandy silt with some weakly cemented, mottled, glacial till like characteristics evident. The Natural Resources Conservation Service (NRCS) maps these soils as Kitsap silt loam. Based on conditions observed in the test pits, which allow for a better examination of the soil conditions verses test borings, we conclude this mapping is correct and the soils are not Indianola as opined on page 4 of our July 2013 report.



The upper soil conditions we observed at the site exhibit low permeability with mottled coloration evidence that the shallow soils limit infiltration of rainfall. Advance outwash soils as observed at the site will, due to soil fines content and degree of consolidation, exhibit these characteristics. Based on these conditions, in our opinion, the soils would be categorized as hydrologic group C as defined in the NRCS National Engineering Handbook, Chapter 7, Hydrologic Soil Groups.



Please call or e-mail if you require additional information.







cc: Wes Giesbrecht, MI 84th Limited Partnership
Jay Derr, VanNess Feldman



#	Photo	Description
1		<p>Looking north along 84th Avenue SE.</p> <p>Runoff from the project site will tie into the existing roadside ditch along 84th Avenue SE.</p>
2		<p>Looking north along 84th Avenue SE.</p> <p>Runoff is conveyed north along 84th Avenue SE in the roadside ditch.</p>

3		<p>Looking north near the intersection of 84th Avenue SE and SE 30th Place.</p> <p>The roadside ditch ends and runoff continues north in a closed conveyance system.</p>
4		<p>Looking north along 84th Avenue SE.</p> <p>The closed conveyance system continues north along 84th Avenue SE.</p>

5		<p>Looking north near the intersection of 84th Avenue SE and SE 30th Street.</p> <p>The closed conveyance system continues north along 84th Avenue SE.</p>
6		<p>Looking north near the intersection of 84th Avenue SE and SE 30th Street.</p> <p>On the north side of SE 30th Street, the closed conveyance system daylights to another roadside ditch.</p>

7	 A photograph showing a roadside ditch with a culvert under a road. The ditch is filled with water and surrounded by dense vegetation and trees. The road is paved and has a guardrail on the right side.	<p>Looking north near the intersection of 84th Avenue SE and SE 29th Street.</p> <p>Runoff continues north in a culvert under SE 29th Street.</p>
8	 A photograph showing a roadside ditch with a grassy area and flowers. The ditch is filled with water and surrounded by dense vegetation and trees. The road is paved and has a guardrail on the right side.	<p>Looking north near the intersection of 84th Avenue SE and SE 28th Street.</p> <p>The roadside ditch continues north and then west as 84th Avenue SE becomes SE 28th Street.</p>

9		<p>Looking northwest from SE 28th Street.</p> <p>This is the point of convergence for the runoff traveling through the swale along SE 28th Street and the swale through the properties north of the Coval Site. The runoff is then conveyed north under SE 28th Street through a 12" pipe.</p>
10		<p>Looking east near the intersection of SE 28th Street and 82nd Avenue SE.</p> <p>At this intersection, the runoff once again enters a closed conveyance system.</p>

11		<p>Looking northwest near the intersection of SE 28th Street and 82nd Avenue SE.</p> <p>The closed conveyance system continues northwest towards Island Crest Way.</p>
12		<p>Looking east along the I-90 on-ramp.</p> <p>Runoff is conveyed southeast in a closed conveyance system before turning northeast under I-90 and through Luther Burbank Park. Site runoff ultimately discharges to Lake Washington approximately ½ mile from the project site.</p>

The downstream emergency overflow drainage path as described above appears to have adequate capacity and no current problems were observed.

Downstream Analysis for Offsite Flows Conveyed through Site

The photos and descriptions on the following pages provide a summary of the stormwater conveyance system through the center of the project site as well as the bypass runoff from proposed lots 15 and 16. The downstream photos correspond to the locations shown in Figure 2, below.

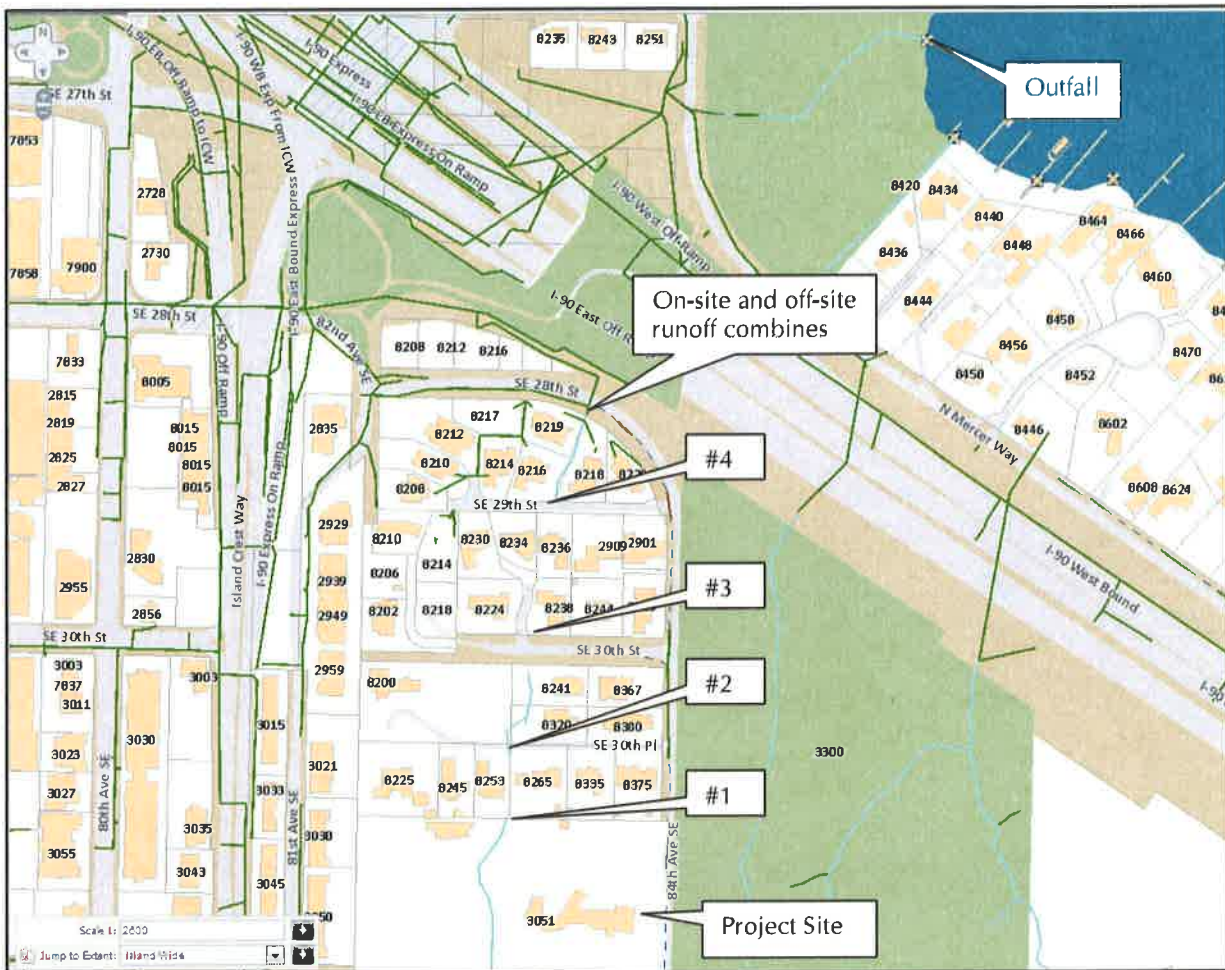




Figure 2: Downstream Photo Legend

The offsite flows from the south will maintain their existing downstream flowpath and continue to be conveyed through the project site via an open channel. The existing culverts on the north and south property lines will be maintained, and the channel will be modified to meander through the proposed residential lots and a 2% to 4% slope. A Type II catch basin with a beehive grate will be placed in the northern portion of Lot 6 in order to connect to the existing culvert at a 1% slope. A catchment area will be provided in the bottom of the structure in order to dissipate energy from the elevation drop within the structure, and it is proposed that the outlet is placed 2'-4' away from the existing culvert. This will ensure that runoff from the lots to the north can still enter the existing culvert at the property line.

#	Photo	Description
1		<p>Looking north at the northern property line of the project site.</p> <p>Runoff is conveyed through and leaves the project site via a 12" CMP culvert.</p>
2		<p>Looking north from SE 30th Place.</p> <p>Runoff daylights and is conveyed north between existing residences on SE 30th Place.</p>

3		<p>Looking south from SE 30th Street (upstream).</p> <p>Runoff continues north in a grassy area on the south side of SE 30th Street. Stormwater enters a closed conveyance system via the catch basin in this depression.</p>
4		<p>Looking north from SE 29th Street.</p> <p>The closed conveyance system daylights once again on the north side of SE 29th Street. From here, the runoff joins the downstream runoff from the project site and continues west and north to the outfall at Lake Washington.</p>

The downstream emergency overflow drainage path as described above appears to have adequate capacity and no current problems were observed.

- **Replaced impervious surface** - For structures, the removal and replacement of any exterior impervious surfaces or foundation. For other impervious surfaces, the removal down to bare soil or base course and replacement.
- **Site** – The area defined by the legal boundaries of a parcel or parcels of land that is (are) subject to new development or redevelopment. For road projects, the length of the project site and the right-of-way boundaries define the site.
- **Source control BMP** - A structure or operation that is intended to prevent pollutants from coming into contact with stormwater through physical separation of areas or careful management of activities that are sources of pollutants. This manual separates source control BMPs into two types. *Structural Source Control BMPs* are physical, structural, or mechanical devices, or facilities that are intended to prevent pollutants from entering stormwater. *Operational BMPs* are non-structural practices that prevent or reduce pollutants from entering stormwater. See Volume IV for details.
- **Threshold Discharge Area** - An onsite area draining to a single natural discharge location or multiple natural discharge locations that combine within one-quarter mile downstream (as determined by the shortest flowpath). The examples in Figure 2.1 below illustrate this definition. The purpose of this definition is to clarify how the thresholds of this manual are applied to project sites with multiple discharge points.

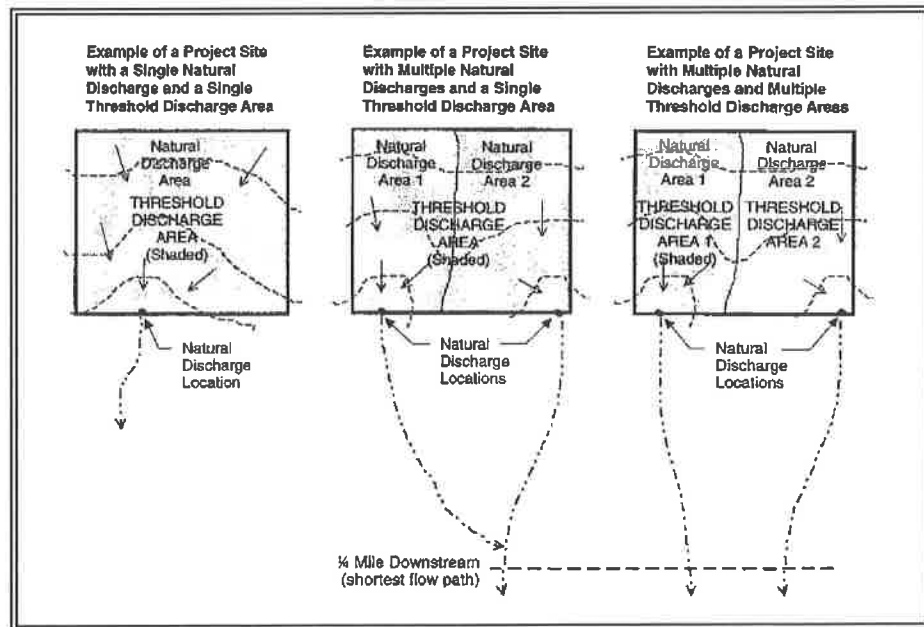


Figure 2.1 Threshold Discharge Areas

Supplemental Guidelines

An adopted and implemented basin plan (Minimum Requirement #9) or a Total Maximum Daily Load (TMDL, also known as a Water Clean-up Plan) may be used to develop more stringent source control requirements that are tailored to a specific basin.

Source Control BMPs include Operational BMPs and Structural Source Control BMPs. See Volume IV for design details of these BMPs. For construction sites, see Volume II, Chapter 4.

Structural source control BMPs should be identified in the stormwater site plan and should be shown on site plans submitted for local government review.

2.5.4 Minimum Requirement #4: Preservation of Natural Drainage Systems and Outfalls

Natural drainage patterns shall be maintained, and discharges from the project site shall occur at the natural location, to the maximum extent practicable. The manner by which runoff is discharged from the project site must not cause a significant adverse impact to downstream receiving waters and downgradient properties. All outfalls require energy dissipation.

Objective

To preserve and utilize natural drainage systems to the fullest extent because of the multiple stormwater benefits these systems provide; and to prevent erosion at and downstream of the discharge location.

Supplemental Guidelines

Creating new drainage patterns results in more site disturbance and more potential for erosion and sedimentation during and after construction. Creating new discharge points can create significant stream channel erosion problems as the receiving water body typically must adjust to the new flows. Diversions can cause greater impacts than would otherwise occur by discharging runoff at the natural location.

Where no conveyance system exists at the adjacent downgradient property line and the discharge was previously unconcentrated flow or significantly lower concentrated flow, then measures must be taken to prevent downgradient impacts. Drainage easements from downstream property owners may be needed and should be obtained prior to approval of engineering plans.

Supplemental Guidelines

The type of financial instrument required is less important than ensuring that there are adequate funds available in the event that non-compliance occurs.

2.6.2 Optional Guidance #2: Off Site Analysis and Mitigation

Development projects that discharge stormwater offsite shall submit an offsite analysis report that assesses the potential off-site water quality, erosion, slope stability, and drainage impacts associated with the project and that proposes appropriate mitigation of those impacts. An initial qualitative analysis shall extend downstream for the entire flow path from the project site to the receiving water or up to one mile, whichever is less. If a receiving water is within one-quarter mile, the analysis shall extend within the receiving water to one-quarter mile from the project site. The analysis shall extend one-quarter mile beyond any improvements proposed as mitigation. The analysis must extend upstream to a point where any backwater effects created by the project cease. Upon review of the qualitative analysis, the local administrator may require that a quantitative analysis be performed.

The existing or potential impacts to be evaluated and mitigated shall include:

- Conveyance system capacity problems;
- Localized flooding;
- Upland erosion impacts, including landslide hazards;
- Stream channel erosion at the outfall location;
- Violations of surface water quality standards as identified in a Basin Plan or a TMDL (Water Clean-up Plan); or violations of ground water standards in a wellhead protection area.

Objective

To identify and evaluate offsite water quality, erosion, slope stability, and drainage impacts that may be caused or aggravated by a proposed project, and to determine measures for preventing impacts and for not aggravating existing impacts. Aggravated shall mean increasing the frequency of occurrence and/or severity of a problem.

Supplemental Guidelines

Ecology highly recommends that local governments adopt similar offsite analysis requirements. Some of the most common and potentially destructive impacts of land development are erosion of downgradient properties, localized flooding, and slope failures. These are caused by

Project 4: Bypass basin and pond sizing

Sometimes it is difficult, if not impossible, to get all of the project site runoff to a detention pond. Part of the site may be at a lower elevation than the pond. Rather than pump the runoff to the pond there is the option of allowing some of the runoff to bypass the pond. This example project shows how to handle this situation.

The introduction of a bypass basin does not exempt the bypassing runoff from the Point of Compliance requirements. It simply means that the pond must be sized so that the undetained runoff from the bypass basin plus the pond discharge together meet the flow duration standard.

If the bypass basin is too large relative to the project basin or has too much impervious area it is impossible to size a pond to compensate for the bypass runoff. WWHM checks to see if the bypass impervious area is greater than 17% of the project basin impervious area that drains to the pond. If it is greater than 17% then WWHM will give an error message stating that a pond cannot be sized to compensate for the undetained runoff and meet the flow duration standard.

For this project we will use our Clear Creek project site and allow 15 of the 100 total project acres to bypass the pond. This 15 bypass acres will consist of 8 acres of roads and 7 acres of lawn. We will use AutoPond to size our project detention pond and then compare the results with those of Project 1.

Let's get started.



January 22, 2014

City of Mercer Island
Development Services Group
9611 SE 36th Street
Mercer Island, WA 98040

Subject: Coval Long Subdivision – File No. SUB13-009
Review of City of Mercer Island Mapping of Drainage Features

Dear Sir or Madam,

We have prepared this letter in order to provide a summary of the research we have performed pertaining to the existing drainage course to the north of the Coval Property. We performed an on-site investigation of this downstream drainage course on June 28th, 2013 and on subsequent occasions. This research was conducted in accordance with the standards for an Off Site Analysis, as provided in the 2005 Department of Ecology Stormwater Management Manual for Western Washington (DOE Manual). See pages 2-40 to 2-42 of Volume 1 of the DOE Manual. Photo documentation of our investigation are shown on pages 15 through 17 of the Stormwater Site Plan by PACLAND, which are included as attachments to this letter.

During our investigation of the drainage course, we mapped the portions of the flow path that are in an open channel and that are in enclosed pipes. This information was compared to the information shown on the City of Mercer Island's GIS Portal. We found that there are multiple locations where the City's GIS data is inaccurate. On the attached "Coval Property – Upstream/Downstream Analysis" exhibit, we have identified the locations where the City's GIS data was found to be inconsistent with our findings. We have also attached a "Coval Property – Upstream/Downstream Photo Log" exhibit and "Coval Property – Upstream/Downstream Photo Exhibit" to further document our findings.

If you should have any questions during your review, please do not hesitate to contact me at sborgeson@pacland.com or at (425) 453-9501, x1528.

Sincerely,

A handwritten signature in blue ink, appearing to read "Scott Borgeson".

Scott Borgeson, P.E.
Project Manager

Enclosures:

- Excerpt from Stormwater Site Plan Report by PACLAND
- Coval Property – Upstream/Downstream Analysis exhibit
- Coval Property – Upstream/Downstream Photo Log
- Coval Property – Upstream/Downstream Photo Exhibit

Attach. A-2 (PacLand) TO
1/22/14 J. DERR LETTER
COVAL LP SUB13-009|SEP13-031

Downstream Analysis for Offsite Flows Conveyed through Site

The photos and descriptions on the following pages provide a summary of the stormwater conveyance system through the center of the project site as well as the bypass runoff from proposed lots 15 and 16. The downstream photos correspond to the locations shown in Figure 2, below.

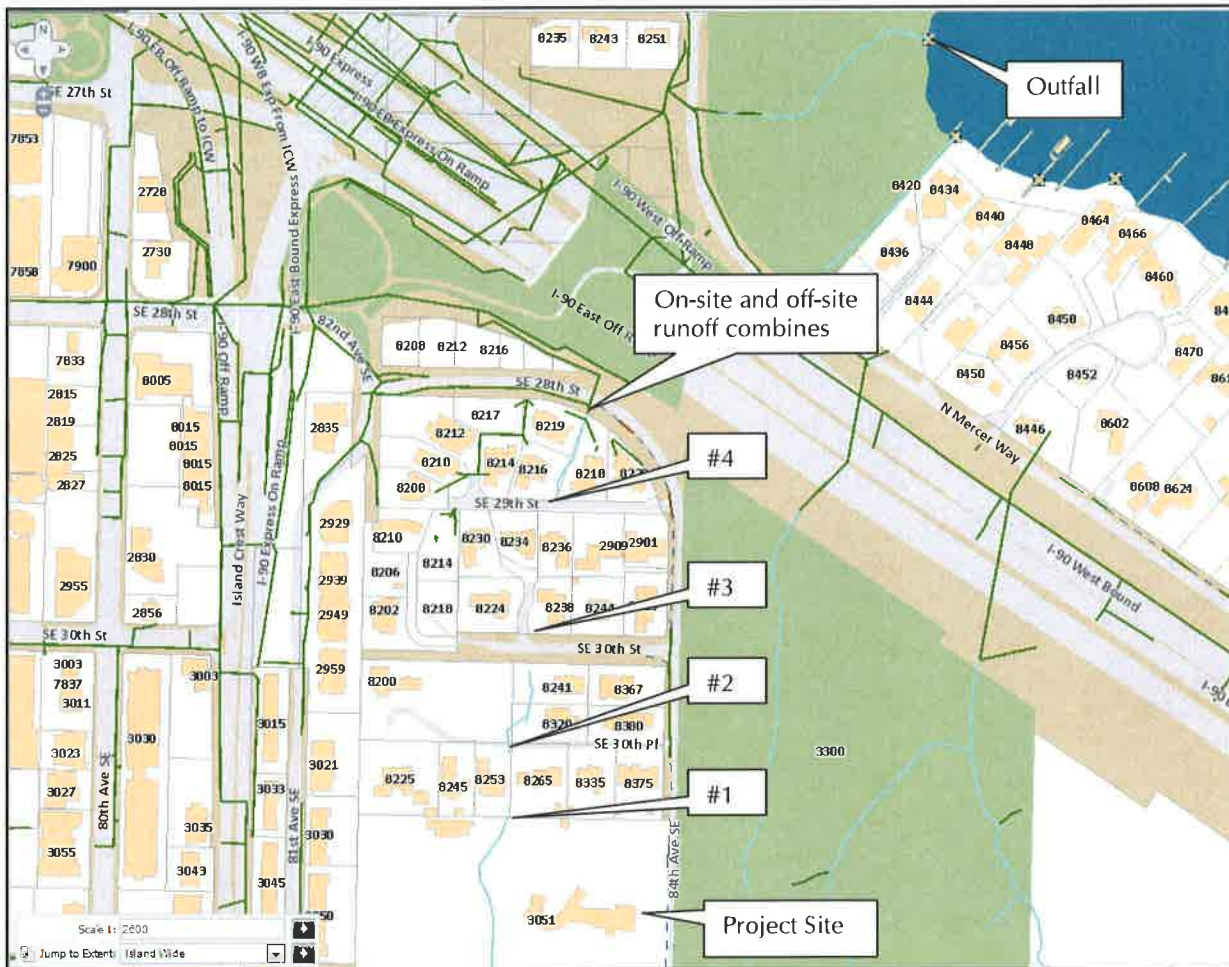




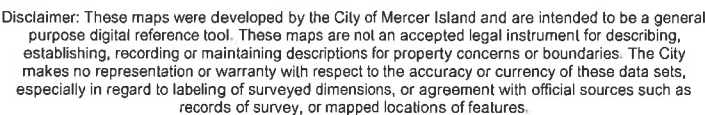
Figure 2: Downstream Photo Legend

The offsite flows from the south will maintain their existing downstream flowpath and continue to be conveyed through the project site via an open channel. The existing culverts on the north and south property lines will be maintained, and the channel will be modified to meander through the proposed residential lots and a 2% to 4% slope. A Type II catch basin with a beehive grate will be placed in the northern portion of Lot 6 in order to connect to the existing culvert at a 1% slope. A catchment area will be provided in the bottom of the structure in order to dissipate energy from the elevation drop within the structure, and it is proposed that the outlet is placed 2'-4' away from the existing culvert. This will ensure that runoff from the lots to the north can still enter the existing culvert at the property line.

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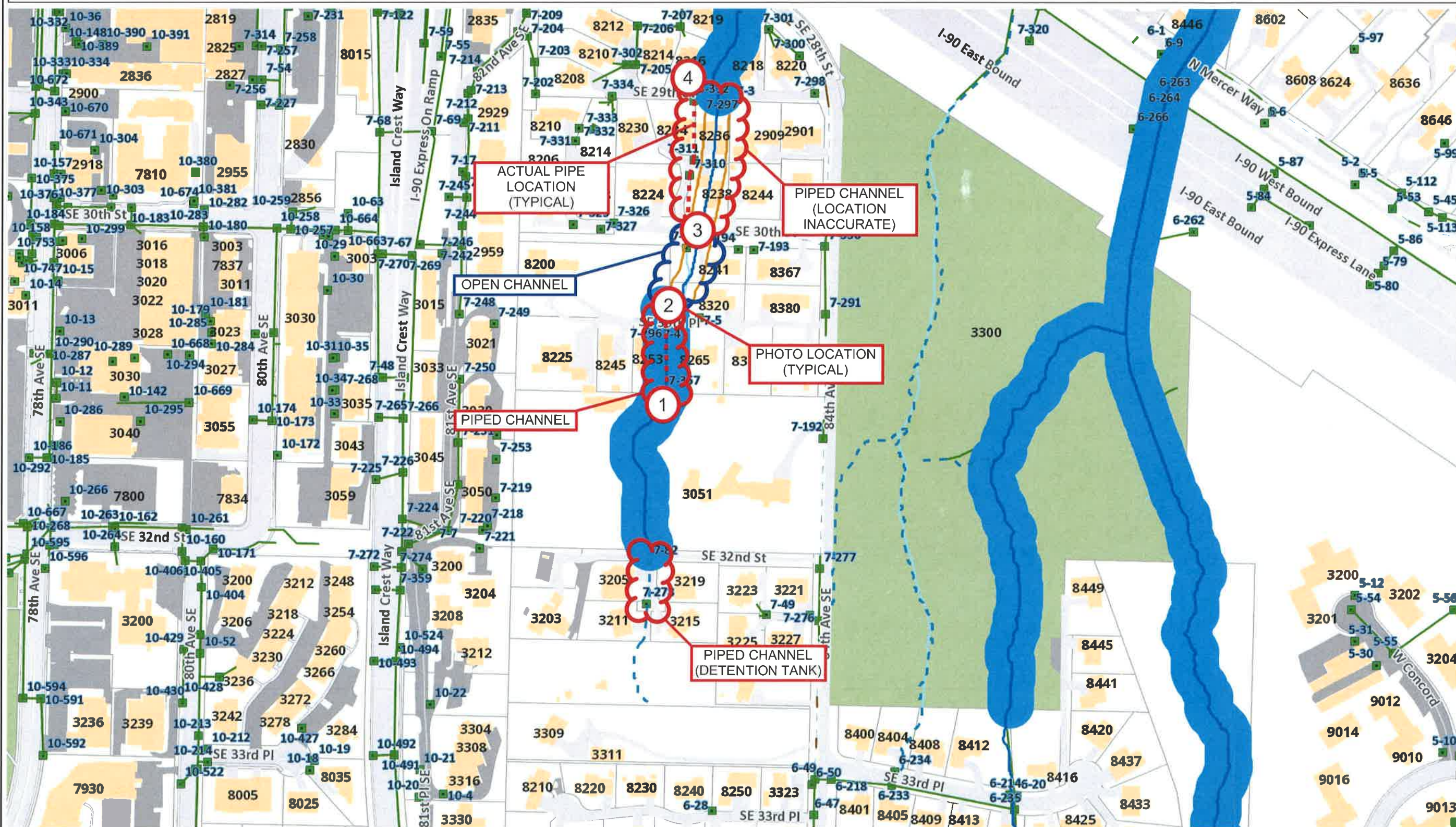
The downstream emergency overflow drainage path as described above appears to have adequate capacity and no current problems were observed.



© City of Mercer Island Map Printed: January 13, 2014

Notes

COVAL PROPERTY - UPSTREAM/DOWNSTREAM PHOTO LOG



- Legend**
- Watercourse
 - 1-Potential Fish Use
 - 2-Perennial
 - 3-Seasonal
 - Type 1 Standard 75 ft
 - Type 2 Standard 50 ft
 - Piped WaterCourses
 - Storm Main
 - Other
 - Culvert
 - Ditch
 - Pipe
 - Watercourse
 - Storm Catchbasin
 - Storm Discharge Poir
 - Bridge
 - Paved Road
 - Streets
 - SideWalk
 - Paved Driveway
 - Paved Parking Area
 - Address
 - Building
 - Ownership Parcels
 - Docks
 - Parks
 - King_co_ Streets
 - Water

1: 2,465



Disclaimer: These maps were developed by the City of Mercer Island and are intended to be a general purpose digital reference tool. These maps are not an accepted legal instrument for describing, establishing, recording or maintaining descriptions for property concerns or boundaries. The City makes no representation or warranty with respect to the accuracy or currency of these data sets, especially in regard to labeling of surveyed dimensions, or agreement with official sources such as records of survey, or mapped locations of features.

Notes

COVAL PROPERTY - UPSTREAM/DOWNSTREAM PHOTO EXHIBIT

Photo 1



Looking north at the northern property line of the project site. Runoff is conveyed through and leaves the project site via a 12" CMP culvert.

Photo 2



Looking north from SE 30th Place. Runoff daylights and is conveyed north between existing residences on SE 30th Place.

Photo 3



Looking south after SE 30th Street (upstream). Runoff continues north in a grassy area on the south side of SE 30th Street. Stormwater enters a closed conveyance system via the catch basin in this depression.

Photo 4



Looking north from SE 29th Street. The closed conveyance system daylights once again on the north side of SE 29th Street. From here, the runoff joins the downstream runoff from the project site and continues west and north to the outfall at Lake Washington.



Memorandum

Date: January 22, 2014

To: City of Mercer Island
Development Services Group
9611 SE 36th Street
Mercer Island, WA 98040

From: Scott Borgeson, P.E.

Subject: Coval Long Subdivision, Mercer Island, Washington
Measured Street Widths

During a site visit to the Coval Project Property, 84th Ave SE was walked from SE 28th Street to SE 39th Street. The width of each street along the east and west sides of 84th Ave SE was measured and a photo was taken. The road widths are summarized below followed by the photo documentation.

Streets on West Side of 84th:

- a. SE 29th Street (private tract):
 - 16 feet wide
 - 8 lots on dead-end road with hammerhead
- b. SE 30th Street (public):
 - 17 feet wide
 - 12 lots on dead-end road with no official turn-around
- c. SE 30th Street (private tract):
 - 5 lots on dead-end road with no official turn-around
- d. SE 30th Place (20' wide private easement):
 - 15 feet wide
 - 11 lots on dead-end road with no CDS
- e. SE 32nd Street (private tract):
 - 11 feet wide
 - 6 lots on dead-end road with hammerhead
- f. SE 33rd Place (private tract):
 - 18 feet wide
 - 12 lots on dead-end road with CDS



Memorandum

- g. SE 34th Street (private easement):
 - 18 feet wide
 - 12 lots on dead-end road with no CDS
- h. SE 35th Street (30' wide easement):
 - 17 feet wide
 - 7 lots on dead-end road with no CDS
- i. SE 36th Street (40' wide easement):
 - 18 feet wide
 - 16 lots on dead-end road with no CDS

Streets on East Side of 84th:

- a. SE 33rd Place (public Parkridge Addition (1960's)):
 - 28 feet wide
 - 18 lots on dead-end road with CDS
- b. SE 34th Place (public-Parkridge Addition (1970's)):
 - 28 feet wide
 - 17 lots on dead-end road with CDS
- c. SE 35th Street (private tract- Cresthaven unrecorded plat (1960's)):
 - 17 feet wide
 - 11 lots on dead-end road with CDS
- d. SE 36th Street (public-Cresthaven unrecorded plat (1960's)):
 - 18 feet wide
 - Thru-street, approx. 23 lots on this portion
- e. SE 37th Street (public-Madrona Crest Addition (old, 1950's)):
 - 19 feet wide
 - Thru-street, approx. 28 lots on this portion
- f. SE 39th Street (public-Madrona Crest Addition (old, 1950's)):
 - 20 feet wide
 - Thru-street, approx. 26 lots on this portion

11400 SE 8th Street
Suite 345
Bellevue, WA 98004

P 425-453-9501
F 425-453-8208
WWW.PACLAND.COM



Memorandum



SE 29th Street, looking west



SE 30th Street, looking west

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Memorandum



SE 30th Place, looking west



SE 32nd Street, looking west

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SE 33rd Place, looking west



SE 33rd Place, looking east

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SE 34th Street, looking west



SE 34th Place, looking east

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Memorandum



SE 35th Street, looking west



SE 35th Street, looking east

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Memorandum



SE 36th Street, looking west



SE 36th Street, looking east

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Memorandum



SE 37th Street, looking east



SE 39th Street, looking east

Attachment B


Chris Forster | TENW

Traffic

MEMORANDUM

DATE: January 22, 2014

TO: City of Mercer Island Planning Commission

FROM: Chris Forster, P.E. 
TENW

SUBJECT: Coval Preliminary Plat
Response to Comments on Trip Generation
TENW Project No. 4813

This memorandum documents responses to comments received from Mercer Island Friends for Responsible Neighborhood Development ("Friends") and other citizens at the Planning Commission hearing on January 15, 2014 for the Coval Preliminary Plat. Below we have provided clarification on trip generation methodology and standards used in the transportation engineering profession that will help to clarify concerns with the trip generation estimates.

Trip Generation Comments from Linda Chaves

On page 5 of the Traffic and Transportation section of the notebook provided by Friends, Ms. Chaves suggests that the City should use a trip generation rate based on a vehicle ownership assumption, rather than the per dwelling unit assumption used by TENW. Ms. Chavez also provided her own private survey information from the neighbors to assert patterns of vehicle ownership.

TENW RESPONSE

- The use of dwelling units for trip generation is the standard in the transportation engineering profession. Based on our extensive experience, we are not aware of any jurisdiction, agency, or transportation consultant that has conducted trip generation for single family detached housing based on estimated vehicle ownership. Trips per dwelling unit is the standard in every jurisdiction we have worked in, including others in the area such as Issaquah, Sammamish, Redmond, and Kirkland where income, family size, home size and other demographics could be considered comparable to Mercer Island. To our knowledge, trips per dwelling unit is also the standard measure that is and has been used by the City of Mercer Island.
- The Institute of Transportation Engineers (ITE) is an international educational and scientific association that publishes numerous documents and manuals that guide us as transportation professionals. The ITE *Trip Generation manual* provides trip generation rates and statistics based on the results of thousands of studies conducted nationwide for a wide variety of land uses. The ITE *Trip Generation Handbook* is a companion guide to the *Trip Generation manual* that provides transportation professionals with guidance on how to use and apply the data from the *Trip Generation manual*. The current ITE *Trip Generation Handbook*, (2nd Edition 2004) provides us with guidance on the selection of the independent variable when estimating trip generation. It states:

The preferred independent variable should be stable for a particular land use type and not a direct function of actual site tenants. In other words, the values and measurements attributable to an independent variable should not change dramatically with changes in building tenants. Physical site characteristics (e.g. square feet of floor area [used for commercial development], number of dwelling units) are preferred.

Contrary to the recommended method in the ITE handbook, estimated vehicle ownership for a housing development is more directly a function of the actual site tenants. There is no way to actually predict vehicle ownership in the future plat, especially with a survey limited to only 23 respondents. There is no detailed information provided on the possible similarities or differences between the homes surveyed and that of future unbuilt homes in the Coval plat. In contrast, the number of dwelling units is certain and is the ITE-preferred method.

- The ITE *Trip Generation Handbook* also states that *"the best independent variable is obtained through a primary measurement, not derived from secondary data."* By using the number of vehicles as the variable, estimates of the average number of vehicles must be performed first, and then estimates of trips derived from those estimates. This results in "estimates based on estimates" which is clearly not preferred. In contrast, the number of homes in the plat is certain and is not an estimate.
- The ITE *Trip Generation Handbook* also states that when choosing between 2 independent variables with similar correlation values, *"the variable with the larger sample size should be favored"*. In the ITE 9th Edition manual, the sample size for single family detached housing using vehicles as the independent variable is 110 studies, while the sample size for dwelling units as the independent variable is much larger at 321 studies. This is another reason why the use of dwelling units is recommended in the transportation engineering profession.
- As a clarification, Ms. Chaves' estimate does not account for credit for the existing home. Impacts are based on "net new" trip generation and should reflect a credit for the existing home. Using her methodology and accounting for credit, one would calculate 28.22 net new PM peak hour trips.
- In summary, the trip generation methodology TENW used and the City of Mercer Island accepted is the industry standard that is supported by ITE guidelines, and is the most appropriate method for estimating future traffic from the Coval plat.

Trip Generation Comments from the Public

A number of comments from residents questioned the trip generation estimates, suggesting that the trip generation (17 PM peak hour trips) was too low and does not make sense. Several residents suggested they would expect "2-3" or "4-5" trips per home during the "PM peak" due to trips from parents arriving home from work and/or trips associated with student activities, shopping, etc. Others also indicated confusion over the time periods, thinking 17 trips was the total estimated daily trip generation from the proposed plat.

TENW RESPONSE

- TENW's trip generation estimates were based on standard ITE methodology as described above. The use of 9.52 weekday daily trips per dwelling unit, 0.75 AM peak hour trips per dwelling unit, and 1.00 PM peak hour trips per dwelling unit are the standards in our profession.
- Defining what the "peak hour" is should help to clarify this issue. The peak hour is a single 60-minute period. The PM peak hour is defined by ITE as the single highest 60-minute period between 4:00 and 6:00 PM. Similarly, the AM peak hour is defined as the single highest 60-minute period between 7:00 and 9:00 AM. Because peak hour trip generation is measured on an hourly basis, it does not include all trips that occur over what one might call the "PM peak period", which could be a 4-5 hours period in the afternoon/evening. Thus a distinction is made between PM peak period, and PM peak hour. There may indeed be 2-3 or 4-5 trips per dwelling unit during the 4-8 PM, or 3-7 PM peak period, but, on average, a standard of 1.00 trip per dwelling unit is estimated for the single highest 60 minute period. As a standard, impacts from developments are measured based on this 1-hour metric as opposed to a 4-5 hour volume.
- In terms of weekday daily traffic estimates, our trip generation memo documented an estimated 161 net new weekday daily trips. This is calculated based on 18 homes X 9.52 = 171 trips, less 1 existing home X 9.52 = -10 trips. Daily trip generation is the average trip generation over the entire 24-hour period on an average weekday, as opposed to the peak hour estimates which are only 1-hour volumes.

Conclusion

In summary, the estimate of 17 PM peak hour trips is, in our professional opinion, the best estimate to use based on the ITE standards for our industry. Vehicle ownership estimates based on a small, local neighborhood survey are not consistent with recommended industry standards, resulting in estimates based on estimates of information that are owner/tenant dependent, rather than the more objective measurement based on the number of dwelling units. For that reason, it is our recommendation and professional judgment that the City should continue to use the per dwelling unit trip generation rates and methodologies as recommended by the ITE guidelines.

cc: Jeff Haynie, P.E. TENW Principal
Wes Giesbrecht
Rod Voth

Attachment C

Larry Burnstad | Watershed Dynamics

Watercourses and Wetlands

WATERSHED DYNAMICS

Post Office Box 215, Enumclaw, Washington TEL 360.825.9253 FAX 360.825.9248

DATE:	January 22, 2014	HARD COPY SENT*:	X	YES	X	NO
E-MAIL:		E-MAIL COPY SENT:		YES	X	NO
TRANSMITTAL	PAGES SENT INCLUDING COVER PAGE:					
SUBJECT:	Response to Biological Solutions Memo dated September 10, 2013					
TO:	Ms. Shanna Crick, Associate Planner City of Mercer Island					
FROM:	Larry D. Burnstad, Senior Environmental Consultant					
PROJECT NAME:	Coval Feasibility Study					
PROJECT NO.:	Watershed Dynamics Project No. 2013001					

* memo forwarded to Ms. Crick by Mr. Jay Derr on January 22, 2014

This memo is presented in response to a September 10, 2013 memo prepared by Mr. Scott Luchessa (Tab 6, Exhibit 103). Hereinafter this memo will be referred to as the Luchessa memo.

I am dividing my response to the Luchessa Memo into two parts with Part 1 addressing items related to the alleged watercourse and Part 2 addressing the alleged wetlands. Statements or assertions included in the Luchessa memo, to which I will respond, are presented in regular type. My responses are in bold type.

PART 1 - Watercourse

- **City Watercourse Map:** The Luchessa memo refers to a GIS map showing the City of Mercer Island (City) "having identified a Type 2 watercourse on the site."

Response: Based on my observation of the site the City watercourse map, showing a "Type 2 – Perennial Watercourse" (see *MIMC Title 19 – Appendix E*) on this property is in error. Even Mr. Luchessa acknowledges there are not perennial flows and, therefore, the site cannot contain a Type 2 – Perennial Watercourse. Further, the City watercourse map does not correctly identify the piped segments of this drainage which, again, is inconsistent with a "Type 2 Watercourse" definition.

- **Indicators of Hydric Soils and Redoximorphic Features:** The Luchessa memo contains a discussion regarding observed "moist soils" and "redoximorphic features" as well as a indication these features are indicative of the presence of a watercourse.

Response:

1. There is nothing in the definition found in MIMC §19.07.070.A referring to "redoximorphic features as an indication of watercourse type or even the presence of a watercourse. That definition indicates the presence of "a channel with bed, banks, or sides throughout substantially all of its length, along which surface waters, with some regularity (annually in the rainy season), naturally flow in draining from higher to lower lands." is required for a low lying area to be designated as a watercourse.
2. While redoximorphic features can be an indication of hydric soils, there is no scientifically supported correlation between the presence of hydric soils and the presence of a watercourse. (see Part 2 for additional discussion and cautions regarding artificial hydric soils).

- **Evidence of Seasonal Flow:** The Luchessa memo indicates, “ the soils were relatively moist and there was clearly evidence of seasonal flow (scour), particle sorting, and sediment deposition throughout substantially all of the length of the watercourse.”

Response:

1. The reference to “substantially all of the length of the watercourse” is unclear. For this response, I accepted that to mean the length of the watercourse within the Site.
2. My reported observations at the site are not consistent with the Luchessa statement.
3. As stated in my March 30, 2013 memo I visited the Site January 30, 2013 and March 28, 2013. The first visit was part of my pre-contract effort to familiarize myself with the Site and the issues I was being asked to evaluate before I prepared my Proposed Scope-of-Work and Estimate-of-Fees for delivery to Mr. Giesbrecht.
4. During the 7 days prior to this visit, the total precipitation recorded at the SeaTac weather station was 1.19 inches and the average for those 7 days was 1.05 inches, indicating that my site visit occurred during a period of normal precipitation. Although I was not conducting a field investigation during that visit, I did walk down to the low area (ravine) in the western portion of the Site and did not observe any evidence of water flowing or having flowed in the ravine.
5. The second visit was for the purpose of evaluating whether or not the low lying area (ravine) located in the western half of the Site was a watercourse and, more specifically, a Type 2 – Perennial Watercourse as mapped on the Appendix 3 Watercourse Map. During that visit I walked the ravine from the outlet of a 12-inch diameter drainage pipe located in an area of fill as the south end of the Site to the inlet of a 12-inch diameter pipe located at approximately the north property line of the site.
6. I did not any evidence of a “bed” (*generally defined as a low area within a drainage course where sufficient surface water flow has scoured to mineral soil or gravels*). I did not find any evidence of scour. I did find an area immediately down slope from the outlet of the pipe at the south end of the ravine that was approximately 8” to 12” wide and approximately 16” to 18” long (*in the direction of, but flatter than the slope*) where soil particles and leaves had been moved by water that appeared to have been discharged from the drain pipe.
7. I did not conclude that this was evidence of “seasonal flow” (*as required for designation as a Type 3 – Seasonal Watercourse*) or as evidence of a natural “channel” or “bed” (*as required for a low lying area to be designated as a watercourse*).
8. As I will discuss later in my response in Part 2 of this memo, precipitation records from the National Weather Service Weather Station at SeaTac International Airport indicate precipitation from October 1, 2012 through mid-January 2013 was above normal (more than 130% of the 20-year average record at that station) and from mid-January 2013 through the end of March 2013 recorded precipitation was above average (between approximately 115% and 130% of the 20-year average).
9. If there was going to be evidence of “seasonal flow (scour), particle sorting, and sediment deposition” in the alleged watercourse located within the Site, it is more likely to have been observable at the time of my site visits (January 30, 2013 and March 28, 2013) than during the site visit conducted by Mr. Luchessa on July 3, 2013. Additionally, there is no mention in the Luchessa memo regarding the hose bibs, hoses, and sprinklers located on both sides of the ravine or the extensive cultivation and landscaping effort, including irrigation, within the ravine that was still ongoing during the summer and fall of 2013.

10. Further, there is no discussion in the Luchessa memo regarding the drainage system in the residential development immediately south of the Site or the other sections of piped drainage to the north of the site. There was no discussion regarding the lack of a bed or banks in the flat area between SE 30th Place and SE 30th Street that would be present were there a Type 3 Watercourse in that area. There is no discussion regarding the piped drainage extending north from SE 30th Street, down the long driveway leading to three residences on lots whose north boundary abuts SE 29th Street, and continuing under SE 29th Street. And, there is no discussion regarding the piped sections of the watercourse between SE 29th Street and Lake Washington.

Part 2 - Wetlands

Because the Luchessa memo appears to mix wetland and watercourse discussion by focusing on soil characteristics and in an effort to avoid redundancy in my response, I will simply offer the following comments regarding the wetland “evidence” offered:

1. The bulk of the evidence presented relates to the presence of redoximorphic features in the soil in two soil pits I evaluated on April 26, 2013. The Luchessa memo refers to the presence of hydric soils (*by virtue of the presence of redoximorphic features*) in a pit excavated approximately 20 feet up slope from my Sample Point #3. Mr. Luchessa’s only reported information related to the soil characteristics at his sample location. There was no discussion related to the plant community present or wetland hydrology, the other two elements that must be present under normal circumstances in order to designate an area as wetland habitat.
2. It is important to note that I purposely did not excavate a test pit in the location chosen by Mr. Luchessa because I was concerned that location was not representative of soil conditions within the remainder of the ravine. Here is my rationale:
 - a. There was evidence that a small amount of water was being discharged from the pipe (*outlet of the stormwater management system located immediately south of the Site*) and soaked into the soil at the location Mr. Luchessa chose to investigate.
 - b. There was evidence the slope around that outfall was regularly cultivated and there were non-native plants located in the area.
 - c. Based on personal communications with the landscape maintenance supervisor, the area was regularly cultivated, composted soil had been imported and incorporated into the area, and there were regular application of iron rich fertilizers to promote plant growth in this shaded area as well as throughout the ravine and adjacent side slopes.
 - d. I have reviewed an April 2000 Power Point presentation by Mr. P. Michael Whited. The audience is unknown, but Mr. Whited was a member of the National Technical Committee for Hydric Soils (NTCHS) in April 2002. The presentation included information indicating the presence of redoximorphic features in the lab within 2 days and in the field within a week.
 - e. I have, in the past, been cautioned by NRCS Soil Scientists and Corps of Engineers Wetland Specialists against mistaking “artificial” hydric soils resulting from human-induced drainage or soils machinations (i.e. addition of compost in irrigated landscapes) and using that as the sole indicator of wetland hydrology.
 - f. It is my expert opinion the redoximorphic features observed by Mr. Luchessa are the result of landscaping related manipulations such as irrigation, composted soil incorporation, and the use of iron rich fertilizers. Information regarding these landscape manipulations at the Site was, as previously documented, provided to me during personal communications with the landscape maintenance supervisor.

3. The standard method for identifying and delineating wetland habitat is by first observing the presence of surface water inundation (i.e. a pond or lake or backwater areas in a stream or river corridor) or the presence of hydrophytic (wetland) plants. In addition to the presence of wetland vegetation, there needs to be a presence of wetland hydrology and hydric (wetland) soils prior to preliminarily designating an area as wetland habitat.
4. It is important to note the presence of wetland hydrology is met when there is evidence of surface water inundation or soil saturation within the upper 12 inches of the soil column for a period of 14 consecutive days during the growing season and in periods of normal precipitation.
 - a. As described in my previous memoranda, normal precipitation is recorded precipitation with a value between 130% (high) and 70% (low) of the 20-year average precipitation at the recording stations.
 - b. The precipitation in the 14 days immediately preceding April 15, 2013, April 22, 2013, and April 26, 2013 the recorded precipitation at SeaTac was 322%, 201.5%, and 177% of normal.
 - c. While the recorded precipitation between mid-January and April 26, 2013 was within the "normal" range, discussing the precipitation recorded during 14 day period prior to each of the visits was important because there was trending evidence that wetland hydrology would not be present within the area preliminarily designated as wetland habitat during period of "normal" rainfall.
 - d. AS such, contrary to Mr. Luchessa's suggestion that my review did not properly consider antecedent precipitation conditions, I had plotted the recorded precipitation data for the SeaTac weather station for the water year beginning on October 1, 2012 through June 13, 2013 for another project. I did use this data and was, therefore, aware of the antecedent conditions. It is also important to consider the 14 day period prior to a wetland investigation, particularly during periods of abnormally high precipitation and nearly fully saturated soils such as those that occurred immediately prior to my site investigations.

In my professional opinion, Mr. Luchessa's conclusions based on the 1936 aerial photo extracted from the King County IMAP website exceed conclusions that can that can reasonably and professionally be determined given the source and quality of the photograph.

I have been interpreting aerial photography, historic and current, for nearly 40 years. I have experience within both rectified and non-rectified black and white as well as color photography; the use of small pocket stereoscopes, larger mirror stereoscopes, and stereo-zoom transfer scopes, and parallax bars; and experience delineated images from aerial photos to paper and computer-based mapping systems. Based on my experience:

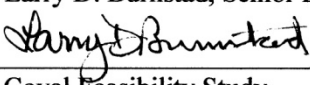
1. I can confirm that older aerial photos, especially older black and white photos taken in the 1930's and 1940's are difficult to interpret even when one is looking at stereo pairs of the original 9"x9" prints. It becomes increasingly more difficult when the image is a computerized copy of an older photograph such as the 1936 photos to which Mr. Luchessa refers.
2. Additionally, the King County IMAP data base, the source of the photograph included in the Luchessa memo, is notoriously imprecise.
3. Very little can be concluded from review of the aerial photograph provided, and even opinions regarding the types of vegetation would require speculation. Without dates and specific precipitation information, it would be, in my opinion, impossible to reach a conclusion regarding whether or not the darker areas were more moist than the lighter areas, particularly not to reach any conclusion regarding indication of wetland soils or vegetation.

4. It is my professional opinion the conclusions present in the Luchessa memo based on the aerial photo interpretation are beyond the quality of the photograph provided, the quality of the IMAP overlays, and the ability of an individual experienced with aerial photography interpretation.

Based on my review of the Luchessa memo and the responses and explanations contained in this memorandum, it is still my professional judgment that the site does not contain a watercourse (type II or otherwise) as that term is defined in Mercer Island Code, and further, the site does not contain any wetlands.

WATERSHED DYNAMICS

Post Office Box 215, Enumclaw, Washington TEL 360.825.9253 FAX 360.825.9248

DATE:	January 22, 2014	HARD COPY SENT*:	X	YES	X	NO
E-MAIL:		E-MAIL COPY SENT:		YES	X	NO
TRANSMITTAL	PAGES SENT INCLUDING COVER PAGE:					
SUBJECT:	Response to Biological Solutions Memo dated September 10, 2013					
TO:	Ms. Shanna Crick, Associate Planner City of Mercer Island					
FROM:	Larry D. Burnstad, Senior Environmental Consultant 					
PROJECT NAME:	Coval Feasibility Study					
PROJECT NO.:	Watershed Dynamics Project No. 2013001					

* memo forwarded to Ms. Crick by Mr. Jay Derr on January 22, 2014

This memo is presented in response to a September 10, 2013 memo prepared by Mr. Scott Luchessa (Tab 6, Exhibit 103). Hereinafter this memo will be referred to as the Luchessa memo.

I am dividing my response to the Luchessa Memo into two parts with Part 1 addressing items related to the alleged watercourse and Part 2 addressing the alleged wetlands. Statements or assertions included in the Luchessa memo, to which I will respond, are presented in regular type. My responses are in bold type.

PART 1 - Watercourse

- **City Watercourse Map:** The Luchessa memo refers to a GIS map showing the City of Mercer Island (City) "having identified a Type 2 watercourse on the site."

Response: Based on my observation of the site the City watercourse map, showing a "Type 2 – Perennial Watercourse" (see *MIMC Title 19 – Appendix E*) on this property is in error. Even Mr. Luchessa acknowledges there are not perennial flows and, therefore, the site cannot contain a Type 2 – Perennial Watercourse. Further, the City watercourse map does not correctly identify the piped segments of this drainage which, again, is inconsistent with a "Type 2 Watercourse" definition.

- **Indicators of Hydric Soils and Redoximorphic Features:** The Luchessa memo contains a discussion regarding observed "moist soils" and "redoximorphic features" as well as a indication these features are indicative of the presence of a watercourse.

Response:

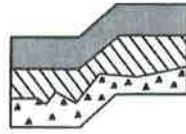
1. There is nothing in the definition found in MIMC §19.07.070.A referring to "redoximorphic features as an indication of watercourse type or even the presence of a watercourse. That definition indicates the presence of "a channel with bed, banks, or sides throughout substantially all of its length, along which surface waters, with some regularity (annually in the rainy season), naturally flow in draining from higher to lower lands." is required for a low lying area to be designated as a watercourse.
2. While redoximorphic features can be an indication of hydric soils, there is no scientifically supported correlation between the presence of hydric soils and the presence of a watercourse. (see Part 2 for additional discussion and cautions regarding artificial hydric soils).

Attachment D

John Sadler and Ted Schepper | Terra Associates

Soils

MEMORANDUM



TERRA ASSOCIATES, Inc.

Consultants in Geotechnical Engineering, Geology
and
Environmental Earth Sciences

To:	<u>Scott Borgeson, P.E.</u>	Date:	<u>1-21-14</u>
	<u>PacLand</u>	Project Number:	<u>T-6915</u>
From:	<u>Ted Schepper, P.E.</u>	Project Name:	<u>Coval Property</u>
Subject:	<u>Hydrologic Soil Group</u>		<u>Mercer Island, WA</u>
Ref:	<u>Terra Associates Reports dated</u> <u>7-29-13 and 10-7-13</u>		

Scott:

As requested we have reviewed soils information contained in the referenced reports. The purpose of our review was to respond to comments contained in a report prepared by Northwest Hydraulic Consultants (nhc) dated January 9, 2014 regarding appropriate hydrologic soil grouping for the soil conditions observed at the site.

The most recent geologic mapping of the site indicates soil conditions in this area originated as glacial recessional outwash deposits (Qvr). As noted in our referenced July 29, 2013 report we did not observe soils consistent with recessional outwash with the soils generally consistent with Advance outwash (Qva) which is also mapped near the site vicinity. Test pits excavated on the site for the referenced October 7, 2013 report noted the soils in the upper three to five feet to consist mostly of silty fine sand to sandy silt with some weakly cemented, mottled, glacial till like characteristics evident. The Natural Resources Conservation Service (NRCS) maps these soils as Kitsap silt loam. Based on conditions observed in the test pits, which allow for a better examination of the soil conditions verses test borings, we conclude this mapping is correct and the soils are not Indianola as opined on page 4 of our July 2013 report.

The upper soil conditions we observed at the site exhibit low permeability with mottled coloration evidence that the shallow soils limit infiltration of rainfall. Advance outwash soils as observed at the site will, due to soil fines content and degree of consolidation, exhibit these characteristics. Based on these conditions, in our opinion, the soils would be categorized as hydrologic group C as defined in the NRCS National Engineering Handbook, Chapter 7, Hydrologic Soil Groups.

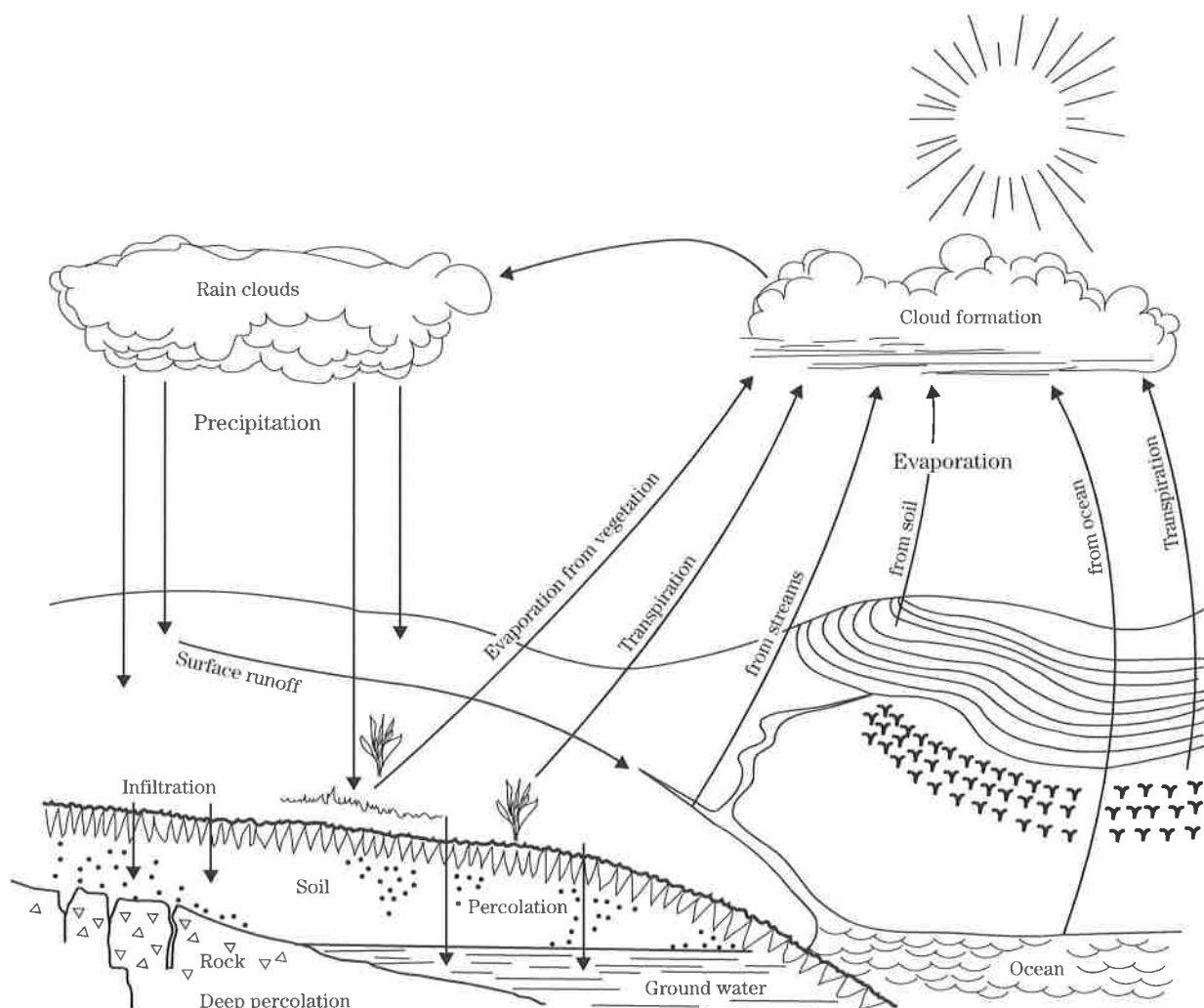
Please call or e-mail if you require additional information.



cc: Wes Giesbrecht, MI 84th Limited Partnership
Jay Derr, VanNess Feldman

Chapter 7

Hydrologic Soil Groups



Issued May 2007

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Acknowledgments

Chapter 7 was originally prepared by **Victor Mockus** (retired) and reprinted with minor revisions in 1972. This version was prepared by the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) under guidance of **Jon Werner** (retired), NRCS; with assistance from **Donald E. Woodward** (retired), NRCS; **Robert Nielsen** (retired), NRCS; **Robert Dobos**, soil scientist, NRCS; and **Allen Hjelmfelt** (retired), Agricultural Research Service. It was finalized under the guidance of **Claudia C. Hoefft**, national hydraulic engineer.

Preface

This chapter of the National Engineering Handbook (NEH) Part 630, Hydrology, represents a multi-year collaboration between soil scientists at the National Soil Survey Center (NSSC) and engineers in the Conservation Engineering Division (CED) at National Headquarters to develop an agreed upon model for classifying hydrologic soil groups.

This chapter contains the official definitions of the various hydrologic soil groups. The National Soil Survey Handbook (NSSH) references and refers users to NEH630.07 as the official hydrologic soil group (HSG) reference. Updating the hydrologic soil groups was originally planned and developed based on this perspective.

Listing HSGs by soil map unit component and not by soil series is a new concept for the engineers. Past engineering references contained lists of HSGs by soil series. Soil series are continually being defined and re-defined, and the list of soil series names changes so frequently as to make the task of maintaining a single national list virtually impossible. Therefore, no such lists will be maintained. All such references are obsolete and their use should be discontinued.

Instructions for obtaining HSG information can be found in the introduction of this chapter.

Chapter 7

Hydrologic Soil Groups

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	630.0702	Disturbed soils	7-5
	630.0703	References	7-5

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	Table 7-2	Criteria for assignment of hydrologic soil groups when any water impermeable layer exists at a depth greater than 100 centimeters [40 inches]	7-4

630.0700 Introduction

This chapter defines four hydrologic soil groups, or HSGs, that, along with land use, management practices, and hydrologic conditions, determine a soil's associated runoff curve number (NEH630.09). Runoff curve numbers are used to estimate direct runoff from rainfall (NEH630.10).

A map unit is a collection of areas defined and named the same in terms of their soil components or miscellaneous areas or both (NSSH 627.03). Soil scientists assign map unit components to hydrologic soil groups. Map unit components assigned to a specific hydrologic soil group have similar physical and runoff characteristics. Soils in the United States, its territories, and Puerto Rico have been assigned to hydrologic soil groups. The assigned groups can be found by consulting the Natural Resources Conservation Service's (NRCS) Field Office Technical Guide; published soil survey data bases; the NRCS Soil Data Mart Web site (<http://soildatamart.nrcs.usda.gov/>); and/or the Web Soil Survey Web site (<http://websoilsurvey.nrcs.usda.gov/>).

The state soil scientist should be contacted if a soil survey does not exist for a given area or where the soils within a watershed have not been assigned to hydrologic groups.

630.0701 Hydrologic soil groups

Soils were originally assigned to hydrologic soil groups based on measured rainfall, runoff, and infiltrometer data (Musgrave 1955). Since the initial work was done to establish these groupings, assignment of soils to hydrologic soil groups has been based on the judgment of soil scientists. Assignments are made based on comparison of the characteristics of unclassified soil profiles with profiles of soils already placed into hydrologic soil groups. Most of the groupings are based on the premise that soils found within a climatic region that are similar in depth to a restrictive layer or water table, transmission rate of water, texture, structure, and degree of swelling when saturated, will have similar runoff responses. The classes are based on the following factors:

- intake and transmission of water under the conditions of maximum yearly wetness (thoroughly wet)
- soil not frozen
- bare soil surface
- maximum swelling of expansive clays

The slope of the soil surface is not considered when assigning hydrologic soil groups.

In its simplest form, hydrologic soil group is determined by the water transmitting soil layer with the lowest saturated hydraulic conductivity and depth to any layer that is more or less water impermeable (such as a fragipan or duripan) or depth to a water table (if present). The least transmissive layer can be any soil horizon that transmits water at a slower rate relative to those horizons above or below it. For example, a layer having a saturated hydraulic conductivity of 9.0 micrometers per second (1.3 inches per hour) is the least transmissive layer in a soil if the layers above and below it have a saturated hydraulic conductivity of 23 micrometers per second (3.3 inches per hour).

Water impermeable soil layers are among those types of layers recorded in the component restriction table of the National Soil Information System (NASIS) database. The saturated hydraulic conductivity of an impermeable or nearly impermeable layer may range

from essentially 0 micrometers per second (0 inches per hour) to 0.9 micrometers per second (0.1 inches per hour). For simplicity, either case is considered impermeable for hydrologic soil group purposes. In some cases, saturated hydraulic conductivity (a quantitatively measured characteristic) data are not always readily available or obtainable. In these situations, other soil properties such as texture, compaction (bulk density), strength of soil structure, clay mineralogy, and organic matter are used to estimate water movement. Tables 7-1 and 7-2 relate saturated hydraulic conductivity to hydrologic soil group.

The four hydrologic soil groups (HSGs) are described as:

Group A—Soils in this group have low runoff potential when thoroughly wet. Water is transmitted freely through the soil. Group A soils typically have less than 10 percent clay and more than 90 percent sand or gravel and have gravel or sand textures. Some soils having loamy sand, sandy loam, loam or silt loam textures may be placed in this group if they are well aggregated, of low bulk density, or contain greater than 35 percent rock fragments.

The limits on the diagnostic physical characteristics of group A are as follows. The saturated hydraulic conductivity of all soil layers exceeds 40.0 micrometers per second (5.67 inches per hour). The depth to any water impermeable layer is greater than 50 centimeters [20 inches]. The depth to the water table is greater than 60 centimeters [24 inches]. Soils that are deeper than 100 centimeters [40 inches] to a water impermeable layer are in group A if the saturated hydraulic conductivity of all soil layers within 100 centimeters [40 inches] of the surface exceeds 10 micrometers per second (1.42 inches per hour).

Group B—Soils in this group have moderately low runoff potential when thoroughly wet. Water transmission through the soil is unimpeded. Group B soils typically have between 10 percent and 20 percent clay and 50 percent to 90 percent sand and have loamy sand or sandy loam textures. Some soils having loam, silt loam, silt, or sandy clay loam textures may be placed in this group if they are well aggregated, of low bulk density, or contain greater than 35 percent rock fragments.

The limits on the diagnostic physical characteristics of group B are as follows. The saturated hydraulic

conductivity in the least transmissive layer between the surface and 50 centimeters [20 inches] ranges from 10.0 micrometers per second (1.42 inches per hour) to 40.0 micrometers per second (5.67 inches per hour). The depth to any water impermeable layer is greater than 50 centimeters [20 inches]. The depth to the water table is greater than 60 centimeters [24 inches]. Soils that are deeper than 100 centimeters [40 inches] to a water impermeable layer or water table are in group B if the saturated hydraulic conductivity of all soil layers within 100 centimeters [40 inches] of the surface exceeds 4.0 micrometers per second (0.57 inches per hour) but is less than 10.0 micrometers per second (1.42 inches per hour).

Group C—Soils in this group have moderately high runoff potential when thoroughly wet. Water transmission through the soil is somewhat restricted. Group C soils typically have between 20 percent and 40 percent clay and less than 50 percent sand and have loam, silt loam, sandy clay loam, clay loam, and silty clay loam textures. Some soils having clay, silty clay, or sandy clay textures may be placed in this group if they are well aggregated, of low bulk density, or contain greater than 35 percent rock fragments.

The limits on the diagnostic physical characteristics of group C are as follows. The saturated hydraulic conductivity in the least transmissive layer between the surface and 50 centimeters [20 inches] is between 1.0 micrometers per second (0.14 inches per hour) and 10.0 micrometers per second (1.42 inches per hour). The depth to any water impermeable layer is greater than 50 centimeters [20 inches]. The depth to the water table is greater than 60 centimeters [24 inches]. Soils that are deeper than 100 centimeters [40 inches] to a restriction or water table are in group C if the saturated hydraulic conductivity of all soil layers within 100 centimeters [40 inches] of the surface exceeds 0.40 micrometers per second (0.06 inches per hour) but is less than 4.0 micrometers per second (0.57 inches per hour).

Group D—Soils in this group have high runoff potential when thoroughly wet. Water movement through the soil is restricted or very restricted. Group D soils typically have greater than 40 percent clay, less than 50 percent sand, and have clayey textures. In some areas, they also have high shrink-swell potential. All soils with a depth to a water impermeable layer less than 50 centimeters [20 inches] and all soils with a water table

within 60 centimeters [24 inches] of the surface are in this group, although some may have a dual classification, as described in the next section, if they can be adequately drained.

The limits on the physical diagnostic characteristics of group D are as follows. For soils with a water impermeable layer at a depth between 50 centimeters and 100 centimeters [20 and 40 inches], the saturated hydraulic conductivity in the least transmissive soil layer is less than or equal to 1.0 micrometers per second (0.14 inches per hour). For soils that are deeper than 100 centimeters [40 inches] to a restriction or water table, the saturated hydraulic conductivity of all soil layers within 100 centimeters [40 inches] of the surface is less than or equal to 0.40 micrometers per second (0.06 inches per hour).

Dual hydrologic soil groups—Certain wet soils are placed in group D based solely on the presence of a water table within 60 centimeters [24 inches] of the surface even though the saturated hydraulic conductivity may be favorable for water transmission. If these soils can be adequately drained, then they are assigned to dual hydrologic soil groups (A/D, B/D, and C/D) based on their saturated hydraulic conductivity and the water table depth when drained. The first letter applies to the drained condition and the second to the undrained condition. For the purpose of hydrologic soil group, adequately drained means that the seasonal high water table is kept at least 60 centimeters [24 inches] below the surface in a soil where it would be higher in a natural state.

Matrix of hydrologic soil group assignment criteria—The decision matrix in tables 7-1 and 7-2 can be used to determine a soil's hydrologic soil group. Check both tables before making a final decision. If saturated hydraulic conductivity data are available and deemed to be reliable, then these data, along with water table depth information, should be used to place the soil into the appropriate hydrologic soil group. If these data are not available, the hydrologic soil group is determined by observing the properties of the soil in the field. Factors such as texture, compaction (bulk density), strength of soil structure, clay mineralogy, and organic matter are considered in estimating the hydraulic conductivity of each layer in the soil profile. The depth and hydraulic conductivity of any water impermeable layer and the depth to any high water table are used to determine correct hydrologic soil group

for the soil. The property that is most limiting to water movement generally determines the soil's hydrologic group. In anomalous situations, when adjustments to hydrologic soil group become necessary, they shall be made by the NRCS state soil scientist in consultation with the state conservation engineer.

Table 7-1 Criteria for assignment of hydrologic soil groups when a water impermeable layer exists at a depth between 50 and 100 centimeters [20 and 40 inches]

Soil property	Hydrologic soil group A	Hydrologic soil group B	Hydrologic soil group C	Hydrologic soil group D
Saturated hydraulic conductivity of the least transmissive layer	>40.0 $\mu\text{m/s}$ (>5.67 in/h)	≤ 40.0 to >10.0 $\mu\text{m/s}$ (≤ 5.67 to >1.42 in/h)	≤ 10.0 to >1.0 $\mu\text{m/s}$ (≤ 1.42 to >0.14 in/h)	≤ 1.0 $\mu\text{m/s}$ (≤ 0.14 in/h)
	and	and	and	and/or
Depth to water impermeable layer	50 to 100 cm [20 to 40 in]	50 to 100 cm [20 to 40 in]	50 to 100 cm [20 to 40 in]	<50 cm [<20 in]
	and	and	and	and/or
Depth to high water table	60 to 100 cm [24 to 40 in]	60 to 100 cm [24 to 40 in]	60 to 100 cm [24 to 40 in]	<60 cm [<24 in]

Table 7-2 Criteria for assignment of hydrologic soil groups when any water impermeable layer exists at a depth greater than 100 centimeters [40 inches]

Soil property	Hydrologic soil group A	Hydrologic soil group B	Hydrologic soil group C	Hydrologic soil group D
Saturated hydraulic conductivity of the least transmissive layer	>10 $\mu\text{m/s}$ (>1.42 in/h)	≤ 10.0 to >4.0 $\mu\text{m/s}$ (≤ 1.42 to >0.57 in/h)	≤ 4.0 to >0.40 $\mu\text{m/s}$ (≤ 0.57 to >0.06 in/h)	≤ 0.40 $\mu\text{m/s}$ (≤ 0.06 in/h)
	and	and	and	and/or
Depth to water impermeable layer	>100 cm [>40 in]	>100 cm [>40 in]	>100 cm [>40 in]	>100 cm [>40 in]
	and	and	and	and/or
Depth to high water table	>100 cm [>40 in]	>100 cm [>40 in]	>100 cm [>40 in]	>100 cm [>40 in]

630.0702 Disturbed soils

As a result of construction and other disturbances, the soil profile can be altered from its natural state and the listed group assignments generally no longer apply, nor can any supposition based on the natural soil be made that will accurately describe the hydrologic properties of the disturbed soil. In these circumstances, an onsite investigation should be made to determine the hydrologic soil group. A general set of guidelines for estimating saturated hydraulic conductivity from field observable characteristics is presented in the Soil Survey Manual (Soil Survey Staff 1993).

630.0703 References

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Attachment E

Charles Wisdom | ENVIRON

Stormwater Quality

January 22, 2014

Delivered via E-mail

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Development Services Group
City of Mercer Island
9611 S.E. 36th Street
Mercer Island, Washington 98040

Re: Coval Plat: City of Mercer Island File Nos. SUB13-009 and SEP13-031

Dear Ms. Crick:

I have been asked by Mr. Wes Giesbrecht of MI 84th Limited Partnership to review the stormwater management plan prepared by PacLand for the Coval Plat application and the information provided by Mr. Mike Grady concerning downstream water quality on Mercer Island and the potential for impacts on listed salmon species. The following presents my credentials and professional background, my summary of the current water quality status in the receiving environments of this project and a summary of the current science concerning the effects of dissolved copper on salmon olfaction (that is, their sense of smell), particularly as these are modified by the presence of dissolved organic carbon in the receiving waters of Lake Washington.

In summary, based on my review of the available monitoring data, the design of the proposed stormwater management system, and the cutting-edge science concerning the effects of dissolved copper and zinc on salmon olfaction, I conclude that (1) the proposed project complies with applicable local and state stormwater management requirements and (2) the range of dissolved copper and zinc discharged to Lake Washington will be below levels protective of aquatic life in the state of Washington, including salmon.

Professional Background

I am a Ph.D. water quality scientist with over 25 years of experience investigating the effects of human activities on water quality throughout the Western United States. Over the last several years, I have specialized in the environmental impacts of stormwater runoff from transportation and basic infrastructure improvement projects on aquatic habitats and endangered species. I have evaluated the potential effects of discharging stormwater from transportation corridor projects (e.g., light rail, monorail, and highways) to freshwater and marine receiving environments. My work on stormwater impacts has involved the assessment of non-point pollutants, application of stormwater management manuals, and pollutant loading analyses.

Water Quality Status

I reviewed two sources of water quality for the project area – the King County (2011) summary of water quality monitoring of five Mercer Island drainage basins and Ecology's 303(d) water quality assessment of Lake Washington (Ecology 2013). The overall collection and conveyance system of stormwater from this property (PacLand 2013) consists of corrugated metal pipe and a roadside ditch, with the ultimate receiving environment being Lake Washington. While no existing streams will receive the treated stormwater from this property, evaluating monitoring data from the local streams is an appropriate proxy for the conditions experienced in Basin 7, in which the Coval Property is

located (Figure 1). The King County monitoring report includes data for Basin 6, which is good representative for Basin 7, as both basins are dominated primarily by residential land uses. Basin 10, which is highlighted in the King County report, is primarily commercial properties which generate much higher levels of metals in stormwater, and is not an appropriate surrogate for Basin 7. As the proposed project will only add residential land uses to Basin 7, the types and quantities of stormwater constituents are likely to be the same or lower due to the stormwater management systems to be constructed as part of this project.

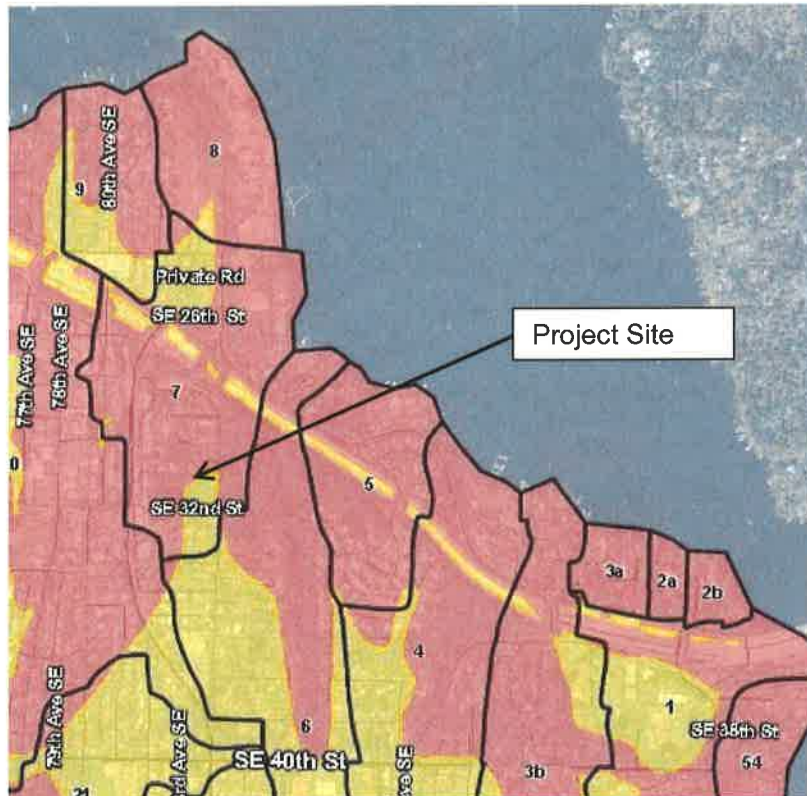


Figure 1. Stormwater drainage basins in the project vicinity (reproduced from Figure 3. Low impact development infiltration feasibility on Mercer Island, Herrera).

Review of the dissolved metals data collected from Basin 6 (as a surrogate for the conditions in Basin 7) demonstrates that water quality conditions did not exceed state acute water quality criteria between 1999 and 2010 (Table 1). Acute criteria are the appropriate metric for evaluating these data, as they more closely match the duration of typical stormwater events in Western Washington (which are on the order of hours rather than the 4-day averaging period represented in chronic water quality criteria). Contrary to the testimony of Mr. Grady, these data support the interpretation that discharges from the residential land uses in Basins 6 and 7 are not impairing water quality for metals in these streams.

Table 1. Summary statistics for dissolved metals ($\mu\text{g/L}$) concentrations, for samples collected between 1999 and 2010 in Basin 6, Mercer Island, as a surrogate for conditions in Basin 7 where the Coval Property is located (reproduced from Table 10, King County 2011).

Parameter	Number of Samples ¹	Min	Max	Mean	Number Exceeding State Acute Criteria
Chromium, Dissolved, ICP-MS	18	0.39	1.1	0.66	0
Copper, Dissolved, ICP-MS	32	0.62	4.15	2.62	0
Lead, Dissolved, ICP-MS	32	0.11	0.47	0.21	0
Zinc, Dissolved, ICP-MS	32	0.7	24.6	5.88	0

Review of the Ecology 303(d) Water Quality Assessment database indicated that portion of Lake Washington directly receiving discharge from both Basins 6 and 7 is listed as Category 5 for fecal coliforms for exceedances that occurred between 1998 and 2002, meaning that this portion is considered impaired for fecal coliforms (Figure 2). Similarly, the portion of Lake Washington to the west of Luther Burbank Park is listed as Category 2 for PCBs for exceedances occurring on September 13, 2000, which means that these are Waters of Concern under the state's classification (Figure 2). However, for the purposes of this evaluation, there are no listed impairments for dissolved metals or turbidity which are the primary stormwater constituents of concern for the proposed project on the Coval property. Neither fecal coliforms nor PCBs are likely to be present in residential stormwater discharged from the future Coval property development.

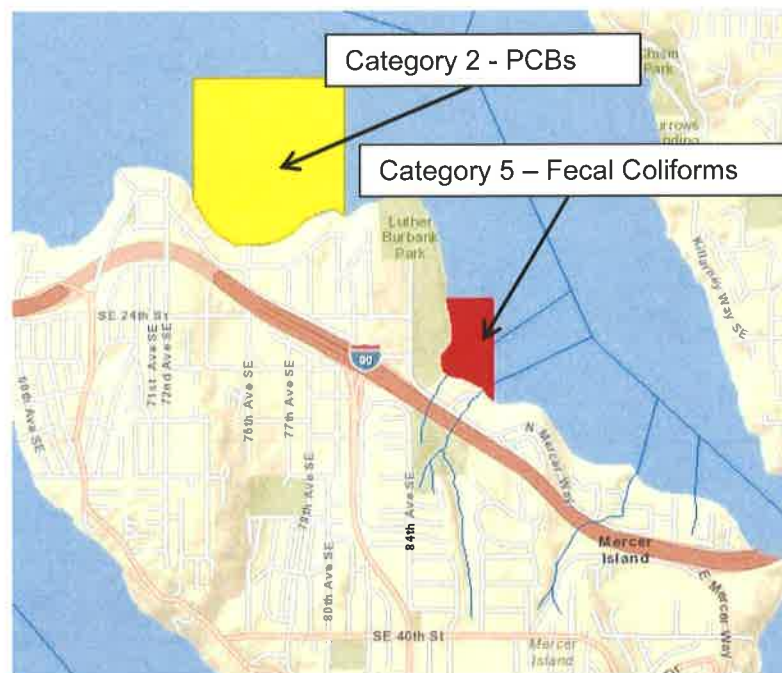


Figure 2. Category 2 and Category 5 waters in Lake Washington adjacent to Mercer Island.

Based on this monitoring data available for streams in Basin 6 of Mercer Island, as representative of the conditions in Basin 7, and the portion of Lake Washington receiving discharges from Basins 6 and 7, I conclude that these waters are not currently impaired for dissolved metals concentrations.

Stormwater Treatment System

The stormwater management system designed by PacLand follows the requirements published by Ecology in the Western Washington Stormwater Management Manual, and provides basic water quality treatment (80% solids removal). These treatment standards are designed to protect the Lake Washington receiving environment, as designated by the Department of Ecology. Basic water quality treatment in the PacLand design will be performed by a Contech Stormfilter cartridge system (PacLand 2013). This treatment will be an improvement over current basin conditions, where the bulk of the stormwater currently is untreated (Bissonnette and Parametrix, 2010).

Stormwater Impacts on Salmon Olfaction

Mr. Grady provided evidence that low levels of copper and zinc can adversely affect salmon in Lake Washington, through interfering with their sense of smell (olfaction)¹ (Baldwin et al. 2003; Hecht et al. 2007). However, this material does not account for the most recent advances in the science of metal impacts on salmon olfaction and the role of naturally occurring dissolved organic carbon (DOC) levels in Lake Washington (Paquin et al. 2002; Meyer and Adams 2010a, 2010b; DeForest et al. 2011a,b). The influence of DOC on metal toxicity is described as the Biotic Ligand Model (BLM), and has been identified by US EPA as Best Available Science for describing the toxicity of metals on aquatic organisms, such as invertebrates and fish (EPA 2007).

Dissolved organic carbon is a naturally occurring substance in western Washington streams and in Lake Washington, and serves an alternative binding site for dissolved metals, resulting in the reduced bioavailability of these substances (Paquin et al. 2002). Essentially, the toxic effect of dissolved metals comes about through these metals binding to fish gills. If these metals are first bound to dissolved organic carbon, they are not available to bind to fish gills, and as such are not toxic under those conditions. As such, any evaluation of the toxicity of metals to salmon, particularly olfaction inhibition, needs to account for the amount of DOC present in the receiving environment.

Recent research has demonstrated that DOC levels reduce the bioavailability of dissolved copper and increase the concentrations of copper required to inhibit salmon olfaction (McIntyre et al. 2006; McIntyre et al. 2008a, 2008b; Meyer and Adams, 2010a,b). Applying this research to the levels of DOC in Lake Washington raises the amount of copper necessary to inhibit salmon olfaction to levels significantly higher than the concentrations observed in Basin 6 water quality monitoring data referenced by Mr. Grady. The olfactory inhibition limits in Table 2 are substantially higher than the concentrations observed in the Basin 6 water quality monitoring data (Table 1; King County 2011), and are greater the range of measured concentrations of dissolved copper concentrations measured in the Seattle Public Utilities assessment of Contech Stormfilters (Table 3).

¹ Sense of smell is an important to salmon in detecting and returning to their natal streams and detecting and avoiding predators.

Table 2. Lake Washington DOC Levels and associated Chronic Water Quality Criteria calculated using the Olfactory BLM (Meyer and Adams 2010a,b)

Lake WA DOC		Olfactory BLM Copper Limits
Average	3.4 mg/L	23.1 µg/L
Maximum	4.1 mg/L	27.6 µg/L
Minimum	2.7 mg/L	18.6 µg/L

Table 3. Dissolved Copper Summary Statistics for discharges from Contech Stormfilter cartridge systems containing ZPG (reproduced from Seattle Public Utilities 2011).

Statistic	Discharged Copper concentration (µg/L)
N	37
Mean	6.6
Minimum	2.2
Maximum	15.5
Standard Deviation	3.1

Conclusions

The above information demonstrates that (1) current conditions in Basin 6 and that portion of Lake Washington receiving Basin 6 and 7 discharges are not impaired for dissolved metal concentrations, (2) the proposed stormwater management system meets the state and local minimum requirements for treating residential stormwater discharged to Lake Washington, a basic treatment water body, and (3) dissolved organic carbon levels in Lake Washington substantially reduce the bioavailability of dissolved organic carbon, and increase the levels of dissolved copper necessary to inhibit salmon olfaction above the levels currently observed in Basin 6 and 7 streams and the highest concentrations measured in stormwater discharged from Contech Stormfilter BMPs.

From this, I conclude that the stormwater management system proposed for the Coval property is appropriately designed, and is unlikely to harm salmon in Lake Washington.

Sincerely,



Charles S. Wisdom, Ph.D.
Senior Manager

References

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Charles S. Wisdom, Ph.D.

Resume

Charles Wisdom, PhD, is a biologist with over 25 years of experience investigating the effects of human activities on water quality throughout the Western United States. Over the last several years, he has specialized in the environmental impacts of stormwater runoff from transportation and basic infrastructure improvement projects on aquatic habitats and endangered species. Charlie has evaluated the potential effects of discharging stormwater from transportation corridor projects (e.g., light rail, monorail, and highways) to freshwater and marine receiving environments. His work has also addressed the terrestrial and aquatic toxicity and fate chemistry of metals released as point sources such as sewage treatment plants and from non-point sources of metals to urban stormwater. Charlie's work in water quality has involved the determination of the toxicity and fate chemistry of metals, the toxicity of polycyclic aromatic hydrocarbons (PAHs) and pesticides, federal and state water quality criteria, and relating the Clean Water Act to the Endangered Species Act. His work on stormwater impacts has involved the assessment of non-point pollutants, application of stormwater management manuals, and pollutant loading analyses. Charlie has assisted public clients with determining compliance with the terms of their wastewater and stormwater NPDES permits, interpretation of permit terms and conditions, the conduct and evaluation of bioassay monitoring, and the assessment of 303(d) Impaired Waters Listings.

EDUCATION

- 1982 PhD, Chemical Ecology, University of California, Irvine
- 1977 Bachelor of Arts, Biology, University of California, San Diego
- 1975 Associate of Arts, Biology, Orange Coast College

SELECTED PROJECT EXPERIENCE

Innovative Stormwater Treatment Task, Phase 1 – SR 520 Bridge Replacement and HOV Project, Washington Department of Transportation, Seattle, Washington

Phase I of the Innovative Stormwater Treatment (IST) project, performed as part of the SR 520 Bridge Replacement and HOV Project, was conducted to discover, review, and implement innovative and non-traditional stormwater treatments for use on confined area road surfaces, particularly fixed bridges. The IST project was conducted in three phases, with the first Phase identifying and evaluating a range of stormwater treatment techniques and developing a conceptual schematic design that will be further developed in the second phase of the project. An initial review of existing literature and contacting national experts and vendors was conducted to identify potentially applicable stormwater treatment technologies and management options.

On-Call Environmental Site Assessment – City of Bellingham, Bellingham, Washington

Charlie evaluated phosphorus control in stormwater runoff to Lake Whatcom. Water quality in Lake Whatcom has been of concern for many years. A commonly identified cause of the Lake's poor water quality is stormwater runoff, which includes many of the constituents typically associated with urban stormwater, for example, suspended solids, metals, and nutrients. Of these, phosphorus is of particular concern due to algal productivity in Lake Whatcom. While the City has been proactively managing stormwater using source controls, education, and treatment (both onsite and regional), Parametrix services included reviewing best management practice (BMP) coverage in the vicinity of Lake Whatcom; analyzing site-specific BMP influent/effluent concentrations for phosphorus; reviewing stormwater literature for potential BMP retrofits and/or alternative BMPs for phosphorus control, and reviewing the City's current stormwater management program to help identify long-term approaches to managing stormwater runoff.

Airport Division: NPDES Support – Port of Seattle, Seattle, Washington

Charlie provided analytical support to the Port of Seattle Aviation Division in implementing their Comprehensive Stormwater Management Plant (CSMP). This approach departed from a standard approach of isolated engineering solutions to also consider, at the basin level, the receiving stream and the resources that need protection, as well as the hydrologic connection from potential sources. Charlie assisted project team members and Port personnel with defining compliance with pollutant concentration benchmarks in stormwater. He conducted statistical analyses to identify significant contributors to stormwater contamination, and compared treatment trains effectiveness and applications at the sub-basin and basin levels to evaluate and prioritize treatment approaches for contaminated stormwater.

Seattle Monorail Project Green Line EIS – Seattle Monorail Project, Seattle, Washington

Performed a pollutant loading analysis for the guideway sections of the Ballard Crossing section of the Seattle Monorail Green Line. Estimates of the pollutants generated by the Green Line monorail train brakes and tires during operation were compared with the total pollutant loading from automobile brakes and tires within the study area. Concentrations of metals were calculated for runoff from the 6-month water quality design storm, and compared with water quality standards to evaluate the potential for Ballard Crossing runoff to adversely affect the Lake Washington Ship Canal. Overall, predicted stormwater runoff concentrations from the future Ballard Crossing were significantly below relevant water quality standards.

Lakemont Boulevard Wetpond Retrofit Project – City of Bellevue, Bellevue, Washington

Charlie managed a wetpond retrofit project for the City of Bellevue which has involved successfully securing grant funding from the Department of Ecology to complete the design and construct a replacement sand filter. The Lakemont Boulevard Stormwater Wet Pond treatment facility discharges to Lewis Creek and then into Lake Sammamish, both impaired water bodies - Lewis Creek for temperature and Lake Sammamish historically for phosphorus. To reduce the discharge of warmed water and phosphorus from this facility, the City of Bellevue proposes to retrofit these wet ponds by replacing them with a sand filter. Construction of a dry pond/sand filter facility will eliminate opportunities for solar heating and will reduce the observed elevated discharge temperature to the Lewis Creek where spawning salmon have been regularly observed. Technical services provided to the City on this project have included survey, permitting, and a SEPA checklist along with plans, specifications, and estimates for construction documents.

Transportation Stormwater Retrofit Effort – Puget Sound Regional Council, Seattle, Washington

Charlie assisted the Puget Sound Regional Council lay the groundwork for an extensive Puget Sound-side Transportation Stormwater Retrofit program as part of Washington State's comprehensive strategy to restore Puget Sound by 2020. The regional transportation stormwater retrofit need is both critical and one of the most important pieces of the stormwater management "unmet need". This work is being done within a watershed framework that recognizes there is a significant amount of unmanaged stormwater that derives from other types of development across the landscape not located in the publically owned right-of-way (ROW). In order to achieve Puget Sound recovery, it will be important to understand the regional transportation stormwater retrofit need in the context of the full stormwater problem, as well as evaluating other Puget Sound recovery needs in an integrated manner.

Sea-Tac International Airport Natural Resource Mitigation/Master Plan Update – Port of Seattle, SeaTac, WA

Charlie prepared a BA of the impacts of constructing and operating numerous projects at SeaTac airport described in their Master Plan Update, including the construction and operation of the proposed third Runway. The BA addressed water quality issues related to metals concentrations in stormwater discharging from runway and taxiway surfaces, as well as anti-icing and de-icing constituents applied to planes. He managed the preparation of a BA to fulfill the ESA Section 7 Consultation requirements of the Federal Aviation Authority (FAA) for the proposed Master Plan Update (MPU) Improvements at Sea-Tac International Airport. This BA assessed the impacts of construction and operation of the proposed MPU improvements on Chinook salmon and bull trout in Miller and Des Moines Creek watersheds and the Green River. Additionally, the BA evaluated potential effects on marbled murrelets and bald eagles.

Potential water quality and hydrologic impacts were evaluated in this process, as well as proposed mitigation efforts for the overall project. The determinations of the BA were concurred with by both the National Marine Fisheries Service (NMFS) and the United States Fish and Wildlife Service (USFWS). Comprehensive Stormwater Management Program – Charlie provided analytical support to the Port of Seattle Aviation Division in implementing their Comprehensive Stormwater Management Plan (CSMP). This approach departed from a standard approach of isolated engineering solutions to also consider, at the basin level, the receiving stream and the resources that need protection, as well as the hydrologic connection from potential sources. He assisted project team members and Port personnel with defining compliance with pollutant concentration benchmarks in stormwater. Charlie conducted statistical analyses to identify significant contributors to stormwater contamination, and compared treatment trains effectiveness and applications at the sub-basin and basin levels to evaluate and prioritize treatment approaches for contaminated stormwater.

SR 520 Bridge Replacement and HOV Corridor Program GEC – Washington Department of Transportation, Seattle, WA

Charlie prepared water resources and navigation discipline reports for the potential effects of replacing the floating bridge connecting Seattle, Washington to the cities on the eastern shoreline of Lake Washington. The major environment concern in this evaluation was the transport of road and bridge contaminants in stormwater to local receiving environments. Most stormwater generated by SR 520 today is not treated and flows are not controlled before being discharged. The proposed alternatives would increase the amount of land covered by pollutant generating impervious surfaces in the project area. However, by applying stormwater treatment and flow control in their designs, both alternatives would meet state and federal water quality regulations, and both alternatives would provide more treatment than is required for stormwater discharging from the Evergreen Point Bridge. Determined that construction impacts and the permanent operation of the bridge would have negligible effects on aquatic life and humans using groundwater. Determined that the increase pollutant generating impervious surfaces in the project area; however, this increase would not cause a detectable change to surface water or groundwater quality. Lastly, Dr. Wisdom evaluated the need for additional mitigation in addition to that included in the overall design of the replacement bridge and roadways.



EXHIBIT 157

PUBLIC NOTICE OF PLANNING COMMISSION SPECIAL MEETING CONTINUATION OF AN OPEN RECORD PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Mercer Island Planning Commission will hold a special meeting to continue an open record public hearing for review of a preliminary long plat described below:

File Nos.: SUB13-009 and SEP13-031

Description of Request: A request for preliminary long plat approval to subdivide one existing parcel into eighteen (18) building lots. The proposed eighteen lot long plat would contain a private dead-end road, serving lots with areas ranging from 10,060 square feet to 12,112 square feet. The existing parcel has an area of 221,975 square foot (5.1 acres) with an average existing slope of approximately 13%. There is one existing single family house, an attached garage and pool house, a detached garage, and associated appurtenances on the site.

Applicant : Wes Giesbrecht of Mercer Island 84th Limited Partnership

Owner: Myer Coval

Location of Property: 3051 84th Avenue SE, Mercer Island WA 98040;
Identified by King County Assessor tax parcel number 122404-9010

Public Hearing: The open record public hearing with the Planning Commission was opened on Wednesday, January 15, 2014, but was not completed. The Planning Commission decided to continue the hearing. The special meeting to continue the open record hearing will be held on **January 29, 2014 at 7:00 PM** in the Mercer Island Council Chambers, 9611 SE 36th Street, Mercer Island, Washington.

Written Comments: The record for this public hearing will remain open until January 22, 2014 at 5:00 PM. Therefore, written comments on this proposal may be submitted to the City of Mercer Island **on or before Wednesday, January 22, 2014 at 5:00 p.m.** either in person or mailed to the City of Mercer Island, 9611 SE 36th Street, Mercer Island, WA 98040-3732. Anyone may comment on the application, receive notice, and request a copy of the decision once made. Only those persons who submitted comments during the following times will be parties of record; and only parties of record will receive a notice of the decision and have the right to appeal. An individual is considered a party of record for project numbers SUB13-009 and SEP13-031 if they:

1. Provided written comments during a previous comment period (held from November 18, 2013 through 5:00 PM on December 11, 2013 and from December 23, 2013 through 5:00 PM on January 13, 2014); and/or
2. Testified at the open record hearing on January 15, 2014; and/or
3. Submit written comments on or before 5:00 PM on January 22, 2014
4. Comment during the specified comment period during any subsequent opportunities to provide comments when the record is open.

The application and SEPA environmental checklist on file on this matter are available for review at the City of Mercer Island, Development Services Group, 9611 SE 36th Street, Mercer Island, Washington. Written comments and/or requests for additional information should be referred to:

Shana Crick, Senior Planner
Development Services Group
City of Mercer Island
9611 SE 36th Street
Mercer Island, WA 98040
(206) 275-7732
shana.crick@mercergov.org



Memorandum

City Engineer Patrick Yamashita

To: Shana Crick, Senior Planner
From: Patrick Yamashita, City Engineer
Subject: Coval Long Plat (SUB13-009)
Date: January 22, 2014

The following is information provided in follow up to the January 15, 2014 Planning Commission meeting regarding the Coval Long Plat. The public expressed some concerns during the public hearing and the Planning Commission asked staff some questions at the conclusion of the meeting. The information below is intended to provide my engineering related responses.

Response to Public Hearing Comments

1. Testimony disputed the assumptions used for by the developer the stormwater analysis and design.

Design of the plat improvements is in conceptual form and will undergo engineering plan review prior to issuing construction permits. The plan review will include the review of the concerns regarding the stormwater analysis and design expressed during the public hearing.

2. Desire for pedestrian improvements on 84th Ave. SE

Several residents expressed a desire for pedestrian improvements along 84th Ave. SE not only near the Coval site but north and south along all of 84th Ave. SE. The time for making requests to the City to consider pedestrian improvements along a City street is during the annual update to the City's 6-Year Transportation Improvement Program (TIP). Such requests can be made during the public comment period typically held around mid-March to mid-April and at the TIP public hearing for the TIP scheduled this year for May 19th. The City Council considers all requests in conjunction with other transportation needs throughout the island, taking into consideration available funding. The TIP and public comment period is typically advertised in the Mercer Island Reporter, MI Weekly e-newsletter, and on the City website.

3. Concerns regarding speeding on 84th Ave. SE and desire for traffic calming.

Requests for review of local streets for consideration of traffic calming measures are handled by Anne Tonella-Howe the Assistant City Engineer. The review typically includes collection of traffic speed and volume data. She can be reached at (206) 275-7813.

EXHIBIT 158

Project Nos.: SUB13-009/SEP13-031

Project Name: Coval Preliminary Long Plat

Project Address: 3051 84th Avenue SE

Response to Planning Commission Questions

1. What are the different obligations specific to arterial and non-arterial streets? What would it mean to change 84th Avenue SE to an arterial?

Changing the roadway classification of 84th Ave. SE from local street to arterial street would change its function/purpose from connecting other local streets and carrying low volumes of traffic at low travel speeds to becoming a primary route for traffic to get from one place to another. The street would be intended to carry higher traffic volumes at higher speeds and traffic would be directed to this street. Traffic volumes on north end arterials such as the Mercer Ways, SE 24th St., SE 40th St., and 78th Ave. SE range in volume from approximately 6,000 to 15,000 vehicles per day compared to approximately 950 on 84th Ave. SE. For comparison, 86th Ave. SE south of SE 40th St. is a high volume local street (that also parallels Island Crest Way) with approximately 3,500 to 4,000 vehicles per day. Additionally, traffic calming measures are most often considered for local streets, rather than on arterial streets since arterial streets are intended to carry larger traffic volumes at higher speeds. A change of roadway classification to arterial would mean less consideration for traffic calming.

According to the Comprehensive Plan,

Most of Mercer Island's streets are two lane residential streets with low to moderate volumes of traffic. Island Crest Way, a north-south arterial (street) which runs the length of the island, is an exception to this rule because it is a principal feeder route to I-90. East/West Mercer Way rings the island and provides two connections with I-90 as well. SE 40th street and Gallagher Hill Road are also major traffic carriers from the north-central portion of the island to I-90. The remaining street system is made up of a local street network which provides access to other streets and private residences and properties.

It goes on to describe roadway classifications according to their purpose and physical characteristics. 84th Ave. SE is classified as a "local street".

Principal Arterials carry the highest volumes of traffic and provide the best mobility in the roadway network. They do this by limiting access to adjacent land uses, and having fewer traffic control devices and generally higher speed limits.

Secondary Arterials connect with and augment principal arterials and generally have a higher degree of access to adjacent land, lower traffic volumes and lower travel speeds.

Collector Arterials provide for movement within neighborhoods, connecting to secondary and principal arterials; they typically have low traffic volumes and carry little through traffic.

Local Streets provide for direct access to abutting properties and other connecting local streets; they carry low volumes of traffic at low travel speeds and are not intended for through traffic.

2. Is the number of peak hour trips in the traffic report based on national averages? How is this calculated?

The calculation in the traffic memo estimates the number of peak hour trips based on the Institute of Transportation Engineers (ITE), an industry standard used by the transportation engineering profession in our region as well as throughout the country. The number of net new peak hour trips for the project was estimated based on the trip generation rate contained in the ITE Trip Generation Manual. Use of this methodology is required by the City Engineer on all applicable projects and is standard practice. The purpose of the peak hour trip generation calculation is to determine if the project triggers the need to perform a formal Traffic Impact Analysis (TIA). Their calculations showed and my review confirmed that the threshold was not triggered. If the threshold had been exceeded, then a TIA would have been required to study the potential traffic impacts of the development on the surrounding street network. It includes an analysis of existing conditions and the impacts of future traffic from the project and whether Level of Service (LOS), a term that describes roadway intersection congestion is degraded below the City's standard. If LOS is determined to degrade below Mercer Island's standard as a result of the development, the traffic engineer would identify mitigation as part of the TIA and the project would have to mitigate the impacts. However, on local streets such as 84th Ave. SE, LOS would likely not be a problem based on typical traffic volume and the length of time a vehicle would have to wait at intersections.

3. What are the requirements for the internal road? Why is it too narrow to allow for internal parking?

This question also relates to zoning and fire regulations but I will respond from an engineering perspective. The proposed long plat contains 18 lots. MICC 19.09.040 (private access roads) requires private access roads serving three or more single family residences to be at least 20 feet in width, have a turnaround if it is longer than 150 feet, and slope/grade of less than 20 percent. For gradient exceeding 15 percent, the road surface shall be cement concrete pavement with a brushed surface for traction and gradients of 15 percent or less may have asphalt concrete surface. Management of stormwater from the road must comply with MICC 15.09.050. The 20 foot wide access road as proposed meets the standard for ingress/egress but is not wide enough to accommodate parking. However, the municipal code does not require on-street parking for long plats, just parking on each lot.



M. Patrick Yamashita
City Engineer

EXHIBIT 159

Shana Crick

From: Katharine Lamperti [klamperti@gmail.com]
Sent: Thursday, January 16, 2014 7:38 PM
To: Shana Crick
Subject: Feedback to Planning Commission re: Coval Property

Dear Shana:

I am a resident of Mercer Island.

I would like to thank the staff and members of the Planning Commission for their service to the city.

I'd like to submit feedback about traffic safety in the neighborhood in and around Snake Hill Road/84th Ave SE near the Coval property. I also would like to address my concerns about construction noise.

There are many children and older people who live in this neighborhood. We like to walk around in the neighborhood, to the library, PEAK and to downtown Mercer Island.

However, for a variety of reasons listed below, the neighborhood has become unsafe for walking and the traffic on 84th Avenue and 86th Avenue are particularly bad.

We believe that adding 18 houses on 84th Ave/Snake Hill Road will make it much worse.

Already people from all around the island use this neighborhood as a short cut between the freeway and PEAK, the library and the high school and travel at high speeds of up to 50 mph on 84th and 86th.

In addition, there is a tremendous amount of overflow traffic when I-90 and NE 40th are clogged.

There have been accidents along this neighborhood including at the intersection of SE 39th St and Island Crest Way, SE 32nd Street & Island Crest way and SE 28th St in recent days.

In the words of the Planning Commission Chair during the public meeting on January 15th, Adam Cooper *"I have used this neighborhood and 84th Avenue (as an arterial) since I began driving in 1984"*.

As the density on the North End has increased and as we add on more amenities at the mega block south of 40th St, this usage has increased and safety problems have increased.

I and my neighbors would like to reclaim the neighborhood and make it pedestrian friendly for retired people, kids, dog walkers, joggers, bikers and everyone else and have automobiles traverse our neighborhood at slow and respectful speeds.

Additionally, my children and others catch their school bus along 84th. In the mornings, we must cross the street and wait on the trail for the bus. An adult stands on the road to look for the bus while the children stand back on the trail for additional safety. In the depths of winter, it is still dark at the time they catch the bus and as a parent I am very concerned for their safety and the safety of other children and caregivers in the neighborhood due to high traffic speeds and very poor visibility.

Accordingly I urge you to consider the following recommendations to the City Council and use your judgment in determining which of these should be the responsibility of the Coval Developer and which should be handled directly by the city.

- A permanent sign that measures and displays the speed of the vehicle and the speed limit – like on the road near the middle school & Lakeridge on 84th Ave.
- A walking path - made of gravel or a sidewalk connecting Upper Luther Burbank and Clise Park and on 86th
- Better street lighting along 84th Ave SE
- * A designated pull off bus stop for school buses on 84th Ave SE
- Solar lighting along the main trail of Upper Luther Burbank for night walkers
- Speed mitigation on 84th Ave SE and 86th Ave SE including
 - Speed Bumps
 - Roundabouts or Semi Roundabouts like on SE 63rd St as you turn right off Island Crest Way heading south
- Make the pedestrian crossing at SE 32nd and Island Crest way at least as safe as the pedestrian crossings near Island Park. There are many apartments and condos here already and the Coval property will simply add more traffic and this is by far the most dangerous pedestrian crossing on Mercer Island.
- Create and maintain a natural park at the clearing at the top of Upper Luther Burbank with native plants and picnic benches. There is no neighborhood park in this neighborhood and the model we'd like to suggest is to have one similar to first hill park that can serve as a focal point for kids, older people and neighborhood gatherings.

Finally, I believe the hours of planned construction would seriously disrupt our residential neighborhood. My husband and I are both physicians and often work early and late hours and are also on-call during the night. Construction noise up until 10 pm will significantly disrupt our sleep and that of our young children, as well as other residents of the neighborhood. I request that construction noise cease at 8 pm or earlier, and not start until after the children have been picked up by the elementary school buses in the morning. And please preserve Sunday as a day of much needed rest.

Please enter this email into the official record.

Sincerely

Katharine Lamperti, MD
8320 SE 30th Place
Tel (H) 206-588-1012

EXHIBIT 160

Shana Crick

From: Sue Stewart [Sue@writestuf.biz]
Sent: Wednesday, January 22, 2014 2:50 PM
To: Shana.Crick@mercergov.org
Subject: FW: SUB 13-009 and SEP 13031 with Critical Areas
Attachments: 2013-11-7 Exhibit A - CAD Application 2013-4-2 CAO 13-002CovalSign.pdf; Neighbors - City of M I Areas Determination 6-18-13.pdf

Hello, Shana,

Thank you for receiving an additional week of written testimony on the Coval long plat development. [Please add the attached documents to the public record for Planning Commission and City Council review.](#)

Attached is a copy of the CAD application dated April 2nd and signed by Myer Coval. On the page with Myer's signature it states there will be a public hearing about the findings. On October 3rd in a meeting for a few neighbors to meet with city staff we asked when that public hearing was going to take place? We also asked when a determination about the critical areas was going to be made? The CAO 13-002 is also attached. It is the document that was received and stamped by the city on July 30th. Neighbors saw the document much later than the city but had read it and were asking about it at our October 3rd meeting.

Clearly we were confused by what happened next.

It is our understanding that you asked the developer to remove this file from the record on October 11th – 8 days after our meeting and inquiry of a hearing date. We feel these documents must be part of the public record and should be reviewed by the **Planning Commission** and the **City Council** along with the input from experts and neighbors from the Public Hearing January 15th. The steep slopes and slide area...that are adjacent to what we close-in neighbors feel is a watercourse need to augment this report. We further understand that long plat development is decided by the City Council. How can the City Council weigh in with their critical review if the document isn't even seen by the Planning Commission first?

[From the MICC code 19.08.030 C.](#)

C. Control of Hazards.

1. Where the project may adversely impact the health, safety, and welfare of, or inflict expense or damage upon, residents or property owners within or adjoining the project, other members of the public, the state, the city, or other municipal corporations due to flooding, drainage problems, critical slopes, unstable soils, traffic access, public safety problems, or other causes, the **city council in the case of a long subdivision**, or the code official in the case of a short subdivision or lot line revision, shall require the applicant to adequately control such hazards or give adequate security for damages that may result from the project, or both.
2. If there are soils or drainage problems, the city engineer may require that a Washington registered civil engineer perform a geotechnical investigation of each lot in the project. The report shall recommend the corrective action likely to prevent damage to the areas where such soils or drainage problems exist. Storm water shall be managed in accordance with the criteria set out in MICC [15.09.030](#) and shall not increase likely damage to downstream or upstream facilities or properties.
3. Alternative tightline storm drains to Lake Washington shall not cause added impact to the properties, and the applicant shall submit supportive calculations for storm drainage detention

By reading the pages 11-13 of the **Watershed Dynamics** report the property Dave Chapelle built on 5 acre Donohue (sp) property with 9 homes the consultant says it is consistent with a watercourse. (29th street to 28th) Dave Chapelle served on the Planning Commission for many years and was a highly respected builder. There is discussion that the flow upland is in and out of pipes. We contend that if 18% of the flow is a watercourse then suggesting the steep hill's upland stream would logically also be a watercourse. The effect of impervious surface at the Coval property and the removal of 6 water guzzling cottonwood trees will also alter the hydrology a great deal. With understand one home just behind the Chapelle project had to be built on pilings and one lot has never been built due to water issues according to a professional who has conducted work on Mercer island. With storms coming harder and faster these days future building we feel should take every precaution. We can't engineer always engineer our way past mother nature.

Since we live on the Seattle Fault and a new study from the University of Washington says that wet land is much more susceptible to damage during an earthquake we feel the **Planning Commission** and **City Council's** review and judgment is extremely valuable and necessary. The need for buffers and setbacks of building pads along watercourses are clearly stated in the recently passed **Shoreline Master Plan** passed by council on December 6th, 2013. And the map on page 50 within that document continues to show the Coval property to have a watercourse.

We do not want flooding on our private lane nor do we want damage to our neighbors property downstream. We are also sensitive to the fact that the water drains into the south wetlands of Luther Burbank Park a park that is considered the Jewel park of Mercer Island and we don't want it damaged or those waters contaminated.

The new landscape design dated January 8th that was handed out to some citizens during the hearing calls the south to north water a "rain garden" which T.J. and I feel is a glorified watercourse so the developer needs not provide the natural buffers and setbacks the city seems to be dedicated to providing. Also the change of the 4 homes on the west side by the cliff were changed to be tightlined into the vault. The change was likely made because they realized the 4 homes would be draining into the watercourse.

Although the environment and safety is our main concern we also feel this tightly packed development does not agree with the city's Comprehensive plan that states infill should match the surrounding neighborhood. There are 4 homes south of our private lane. These are homes of approximately 3000 square feet. There will be 7 homes north of our private lane with allowed square footage of 4500 to 5500 square feet.

We would further like to share the web site for the free association of **Mercer Island Friends of Responsible Neighborhood Development** at <http://www.mi-frnds.org/>

We thank the **Planning Commission** for extending the public written response period and for the follow on public hearing planned for Wednesday, January 29th. Taking more time will allow the chance to get this right.

Sincerely,
T.J. and Sue Stewart
3205 84th Avenue S.E.

CAO13-002

ADDRESS: 3051 84TH AVE SE

PROJECT TYPE: CRITICAL AREAS STUDY

OWNER: COVAL, MEYER

APPLICANT: NORTH BLUFF DEVELOPMENT

(206)769-1888

**CITY OF MERCER ISLAND**9611 SE 36th Street • Mercer Island, WA 98040-3732

PHONE (206) 275-7605 • FAX (206) 275-7726

www.mercergov.org • www.mybuildingpermit.com**Development Application**

STREET ADDRESS/LOCATION		Zone	OFFICE USE ONLY	
3051 84th Avenue SE / Mercer Island, WA 98040		R-9.6	PERMIT #	RECEIPT #
COUNTY ASSESSOR PARCEL #'S		Parcel size (sq. ft.)	41013-002	132774
122404-9010		222,150 SF	DATE RECEIVED	FEE
			4/13/13	\$2,073.39
			BY	See

PROPERTY OWNER Myer Coval	ADDRESS 3051 84th Avenue SE / Mercer Island, WA 98040	CELL/OFFICE: N/A E-MAIL: N/A
PROJECT CONTACT NAME North Bluff Developments LTD. (Wes Giesbrecht)	ADDRESS 15080 North Bluff Road / White Rock B.C. (Canada) V3B 5C1	CELL/OFFICE: (206) 769-1888 E-MAIL: atlin@qwestoffice.net
TENANT NAME N/A	ADDRESS N/A	CELL PHONE: N/A E-MAIL: N/A

DECLARATION: I HEREBY STATE THAT I AM THE OWNER OF THE SUBJECT PROPERTY OR I HAVE BEEN AUTHORIZED BY THE OWNER(S) OF THE SUBJECT PROPERTY TO REPRESENT THIS APPLICATION, AND THAT THE INFORMATION FURNISHED BY ME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SIGNATURE: [Signature] DATE: 4/2/13

PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):

The project proposes to construct a single-family residential development with a total project area of approx. 5.1-acres. It is located west of Luther Burbank Park at 3051 84th Avenue SE. The single-family lots will be accessed by a private access tract. The purpose of this application is to seek confirmation that the Type 2 Watercourse, as delineated on the City of M.I. Watercourse Type Map, is not a Watercourse per the Critical Area Study performed on March 30 2013 by Watershed Dynamics.

(PLEASE USE ADDITIONAL PAPER IF NEEDED) ATTACH RESPONSE TO DECISION CRITERIA IF APPLICABLE

CHECK TYPE OF USE PERMIT(S) REQUESTED (APPLICABLE):

*A 3% TECHNOLOGY FEE IS INCLUDED IN EACH OF THE FEES BELOW

APPEALS	DEVIATIONS (CONTINUED)	SUBDIVISION LONG PLAT	VARIANCES
<input type="checkbox"/> Land use \$669.50	<input type="checkbox"/> Setback Critical Areas \$2,073.39	<input type="checkbox"/> 2-3 Lots \$6,913.36	<input type="checkbox"/> Type 1 \$2,765.55
CRITICAL AREAS	<input type="checkbox"/> Impervious Surface \$2,074.42	<input type="checkbox"/> 4-5 Lots \$9,678.91	<input type="checkbox"/> Type 2 (Single-Family Only) \$1,530.58
<input checked="" type="checkbox"/> Determination \$2,073.39	<input type="checkbox"/> Shoreline \$2,765.55	<input type="checkbox"/> 6 or greater \$12,443.43	OTHER LAND USE
<input type="checkbox"/> Reasonable Use Exception \$4,147.81	<input type="checkbox"/> Wet Season Construction Moratorium \$846.66	<input type="checkbox"/> Long Plat Amendment \$3,456.68	<input type="checkbox"/> Accessory Dwelling Unit (ADU) \$138.02
DESIGN REVIEW	ENVIRONMENTAL REVIEW (SEPA CHECKLIST)	<input type="checkbox"/> Alteration to Existing \$3,456.68	<input type="checkbox"/> Comp Plan Amendment (CPA) \$3,179.61
<input type="checkbox"/> Review of sign & colors \$331.66	<input type="checkbox"/> Residential \$415.09	<input type="checkbox"/> Final Plat Subdivision \$2,765.55	<input type="checkbox"/> Conditional Use Permit (CUP) \$5,531.10
<input type="checkbox"/> \$0-5,000 \$553.11	<input type="checkbox"/> Non-residential \$1,382.26	SUBDIVISION SHORT PLAT	<input type="checkbox"/> Lot Line Rev.-Minor \$2,074.42
<input type="checkbox"/> \$5,001-25,000 \$1,382.26	<input type="checkbox"/> Environmental Impact St. \$2,074.42	<input type="checkbox"/> Two Lots \$3,456.68	<input type="checkbox"/> Lot Line Rev.-Major \$3,456.68
<input type="checkbox"/> \$25,001-50,000 \$2,074.42	SHORELINE MANAGEMENT	<input type="checkbox"/> Three Lots \$4,147.81	<input type="checkbox"/> Lot Line Consolidation \$691.13
<input type="checkbox"/> Over \$50,000 \$3,179.61	<input type="checkbox"/> Exemption \$138.02	<input type="checkbox"/> Four Lots \$4,838.94	<input type="checkbox"/> Lot Line Amendment \$1,037.21
DEVIATIONS	<input type="checkbox"/> Permit Revision \$553.11	<input type="checkbox"/> Variance / Acreage Limitation \$691.13	<input type="checkbox"/> Rezoning Action \$3,456.68
<input type="checkbox"/> Changes/antenna \$1,382.26	<input type="checkbox"/> Recreation-modify \$553.11	<input type="checkbox"/> Short Plat Amendment \$1,728.34	<input type="checkbox"/> Right-of-Way \$400.78
<input type="checkbox"/> Change to Open Space \$1,382.26	<input type="checkbox"/> Recreation-new \$1,382.26	<input type="checkbox"/> Alteration to Existing \$1,728.34	<input type="checkbox"/> Encroachment Agreement
<input type="checkbox"/> Fence Height \$691.13	<input type="checkbox"/> Substantial Dev. Permit \$1,382.26		<input type="checkbox"/> Zoning Code Text Amendment \$3,179.61

FOR CITY USE ONLY -- DO NOT WRITE BELOW THIS LINE

SEPA CATEGORICALLY EXEMPT:	<input type="checkbox"/> Yes <input type="checkbox"/> No	PERMIT FEE:	_____
SEPA CHECKLIST REQUIRED:	<input type="checkbox"/> Yes <input type="checkbox"/> No	PERMIT FEE:	_____
		TOTAL FEES:	_____

11711 S.E. 8TH STREET
SUITE 303
BELLEVUE, WA 98005

T 425.453.9501
F 425.453.8208
WWW.PACLAND.COM



April 3rd, 2013

Shana Crick
City of Mercer Island
9611 SE 36th Street
Mercer Island, WA 98040

Subject: Coval Property - Critical Area Determination

Dear Ms. Crick,

The purpose of this letter is to provide a written description and summary of the proposed project that requires the Critical Area Determination.

The project proposes to construct a single-family residential development on a parcel with a total project area of approximately 5.1-acres. The parcel number included in this project is 122404-9010. It is generally located west of Luther Burbank Park at 3051 84th Avenue SE. The parcel is zoned R-9.6. The property is currently developed with a large single-family home with accessory structures and landscape features. Lot sizes will be designed per city of Mercer Island code.

Per the City of Mercer Island Watercourse Type Map, there appeared to be a type 2 watercourse located on the west side of the subject property. As explained in the Critical Area Report prepared by Watershed Dynamics dated March 30, 2013, it is our opinion that no such watercourse exists.

We are seeking confirmation that the city agrees with this determination so that we can proceed with preparing preliminary plat application documents based on this site development plan. If you would like to discuss this request further with me, please contact me at (425) 453-9501, x1528 or sborgeson@pacland.com.

Sincerely,

A handwritten signature in black ink, appearing to read "SB", with a long horizontal line extending to the right.

Scott Borgeson, P.E.
Project Manager



CITY OF MERCER ISLAND

9611 SE 36th Street • Mercer Island, WA 98040-3732
PHONE (206) 275-7605 • FAX (206) 275-7726
www.mercergov.org

Critical Area Determination

Submittal Requirements and criteria for an administrative action by the code official pursuant to MICC 19.15.010(E) to allow reduction or averaging of a wetland or watercourse buffer.

FEES: See Development Application form for fee information

The reduction or averaging of a watercourse or wetland buffer requires a Critical Area Determination. The decision authority for a Critical Area Determination is the Code Official as outlined in the Mercer Island Unified Land Development Code Section 19.15.010(E), Administrative Actions. The decision will be made following mailing of a public notice to residents within 300' of the subject property and posting of the site, by the applicant, with a City furnished sign in a location on the property and visible to the public right-of-way. If a buffer reduction or averaging through a Critical Area Determination permit does not provide the necessary relief, then a property owner may apply for a Reasonable Use Exception (19.07.030(B)), which requires a public hearing in front of the Hearing Examiner. Please also see the Critical Area Setback Deviation [MICC 19.02.020(C)(4)].

PRE-APPLICATION: Applicants are required to participate in a pre-application meeting with City staff, per MICC 19.09.010(A). Call Development Services staff to schedule a pre-application meeting. Meetings with the staff provide an opportunity to discuss the proposal in conceptual terms, identify the applicable City requirements and explain the project review process. Applicants are encouraged to talk with their neighbors about their proposal. Meetings or correspondence with the neighborhood serve the purpose of informing the neighborhood of the project proposal prior to the formal notice provided by the City.

CRITICAL AREA MAPS: The approximate location and extent of critical areas are shown on Critical Area Maps available for review at the Development Services Group. These maps are to be used as a reference only. The applicant is responsible for determining the scope, extent and boundaries of any critical areas to the satisfaction of the code official through the Critical Area Report per MICC 19.07.020(C). City reference maps do not constitute a decision by the City that a critical area exists or a classification.

APPLICATION MATERIALS: All applications for permits or actions to the City shall be submitted on forms provided by the Development Services Group, including the "Development Application" form. An application shall contain all information required by the applicable development regulations, and shall include the following general information:

1. A clear and concise written description and summary of the proposed project that requires the Critical Area Determination. A Critical Area Determination is required to reduce or average a wetland or watercourse buffer. The description must clearly state the proposed buffer requested (if wetland or watercourse) and such buffer must be within the range identified for the maximum and minimum buffers in MICC 19.07.070 or MICC 19.07.080.

2. A verified statement by the applicant that the subject property is in the exclusive ownership of the applicant, or that the applicant has submitted the application with the consent of all owners of the property.
3. A legal description of the site and parcel number.
4. A Critical Area Study prepared by a qualified professional (e.g. stream/wetland biologist) containing the information identified in MICC 19.07.050, including:
 - A. Site survey prepared by a Washington State licensed surveyor (showing property lines, adjacent right-of-ways, location of existing and proposed structures, etc.) for the subject property.
 - B. Cover sheet and site construction plan.
 - C. Mitigation and restoration plan to include the following information:
 1. Delineation of critical areas and buffers;
 2. Classification of critical areas based on the requirements of MICC 19.07.060, 19.07.070, 19.07.080 and the definitions contained in Chapter 19.16;
 3. If a reduction of buffer is requested, the report must detail the specific mitigations that are proposed, consistent with the list of mitigation options identified in MICC 19.07.070(B)(2) that results in no net loss of critical area function; See details below.
 4. If buffer averaging is requested, the report must address the criteria identified in MICC 19.07.070(B)(3); See details below.
 5. Location of existing trees and vegetation and proposed removal of same;
 6. Location, type, and number of replacement trees and vegetation;
 7. In the case of a wildlife habitat conservation area, identification of any known endangered or threatened species on the site;
 8. Proposed grading;
 9. Description of impacts to the functions of critical areas; and
 10. Proposed monitoring plan. Please see MICC 19.07.040(J).A mitigation and restoration plan may be combined with a stormwater and erosion/sediment control management plan or other required plan. Additional requirements that apply to specific critical areas are located in Watercourses; MICC 19.07.080, Wetlands and MICC 19.07.090, Wildlife Habitat Conservation Areas.
 - D. Stormwater and erosion control management plan consistent with chapter 15.09 MICC. Off-site measures may be required to correct impacts from the proposed alteration.
 - E. Other technical information consistent with the above requirements, as required by the code official.

The critical area study requirement may be waived or modified if the code official determines that such information is not necessary for the protection of the critical area.

BUFFER REDUCTION CRITERIA: All requests to reduce a buffer must detail the specific mitigations that are proposed, consistent with the list of mitigation options identified in MICC 19.07.070(B)(2). The code official may allow the standard buffer

width to be reduced to not less than the minimum width in accordance with an approved critical area study when he/she determines that all of the following apply:

- That a smaller area is adequate to protect the watercourse;
- The impacts will be mitigated by using combinations of the mitigation options; and
- The proposal will result in no net loss of watercourse and buffer functions*
- However, in no case shall a reduced buffer contain a steep slope

In determining a buffer, the code official may consider the following mitigation options:

- Permanent removal of impervious surfaces and replacement with native vegetation;
- Installation of biofiltration/infiltration mechanisms such as bioswales, created and/or enhanced wetlands, or ponds supplemental to existing storm drainage and water quality requirements;
- Removal of noxious weeds, replanting with native vegetation and 5 year monitoring;
- Habitat enhancement within the watercourse such as log structure placement, bioengineered bank stabilization, culvert removal, improved salmonid passage and/or creation of side channel or backwater areas;
- Use of best management practices (e.g. oil/water separators) for storm water quality control exceeding standard requirements;
- Installation of pervious material for driveway or road construction;
- Use of "green" roofs in accordance with the standards of the LEED Green Building Rating System;
- Restoration of off-site area if no on-site area is possible;
- Removal of sources of toxic material that predate the applicant's ownership; and
- Opening of previously channelized and culverted watercourses on or off-site.

**Please note that the City reserves the right to require third party review of the Critical Area Report prepared by the qualified professional at the applicant's expense to verify conclusions, methods, etc.*

BUFFER AVERAGING CRITERIA FOR APPROVAL: The code official may allow the standard buffer width to be averaged if:

- The proposal will result in a net improvement of critical area function;
- The proposal will include replanting of the averaged buffer using native vegetation;
- The total area contained in the averaged buffers on the development proposal site is not decreased below the total area that would be provided if the maximum width were not averaged;
- The standard buffer width is not reduced to a width that is less than the minimum buffer width at any location; and
- That portion of the buffer that has been reduced in width shall not contain a steep slope.

WATERCOURSE BUFFERS: Standard buffer widths shall be as follows, measured from the ordinary high water mark (OHWM), or top of bank if the OHW cannot be determined through simple non-technical observations. The code official may allow a reduction up to the minimum buffer width as previously described in the criteria.

1. **Type 1 Watercourse.** Watercourses or reaches of watercourses used by fish, or are downstream of areas used by fish.

2. **Type 2 Watercourse.** Watercourses or reaches of watercourses with year-round flow, not used by fish.
3. **Type 3 Watercourse.** Watercourses or reaches of watercourses with intermittent or seasonal flow and not used by fish.
4. **Restored Watercourse.** Any Type 1, 2 or 3 Watercourse created from the opening of previously piped, channelized or culverted watercourses.

Watercourse Type	Standard (Base) Buffer Width (feet)	Minimum Buffer Width with Enhancement (ft)
Type 1*	75	37
Type 2	50	25
Type 3	35	25
Restored or Piped	25	Determined by the code official

* There are no known Category I wetlands in the City.

WETLAND BUFFERS: Standard buffer widths shall be established from the outer edge of wetland boundaries and wetland rating shall be based on the categories set forth in the Washington State Wetland Rating System for Western Washington, Publication #04-06-025 dated August 2004, updated in June 2006 (Version 2). A summary of the classification system is provided below:

1. **Category I Wetlands.** Category I wetlands are those that meet the following criteria:
 - a. Wetlands that are identified by scientists as high quality or high-function wetlands;
 - b. Bogs larger than one-half acre;
 - c. Mature and old-growth forested wetlands larger than 1 acre; or
 - d. Wetlands that are undisturbed and contain ecological attributes that are impossible to replace within a human lifetime.
2. **Category II Wetlands.** Category II wetlands are not defined as Category I wetlands and meet the following criteria:
 - a. Wetlands that are identified by scientists as containing "sensitive" plant species;
 - b. Bogs between one-quarter and one-half acre in size; or
 - c. Wetlands with a moderately high level of functions.
3. **Category III Wetlands.** Category III wetlands do not satisfy Category I or II criteria, and have a moderate level of functions. These wetlands generally have been disturbed in some ways, and are often less diverse or more isolated from other natural resources than Category II wetlands.
4. **Category IV Wetlands.** Category IV wetlands do not satisfy Category I, II or III criteria; and have the lowest level of functions; and are often heavily disturbed.

Wetland Type	Standard (Base) Buffer Width (feet)	Minimum Buffer Width with Enhancement (ft)
Category I	100	50
Category II	75	37
Category III	50	25
Category IV	35	25

PUBLIC NOTICE AND REVIEW PROCESS: Critical Area Determinations require public notice in the City Permit Bulletin. The City will provide the applicant a public notice sign to post on the site (subject to a refundable deposit) and will mail the notice to all property owners within 300 feet of the subject property following the Determination of Completeness. The public may provide written comments on the proposal for a minimum of 14 days prior to the decision. A Notice of Decision will be mailed to the applicant and anyone who provides written comments on the proposal. Critical Area Determination decisions may be appealed to the Planning Commission. Appeals must be filed within 14 days following issuance of the Notice of Decision as provided in MICC 19.15.020(J).

Application for a Critical Area Determination involves substantial time, expense, and risk for a property owner. Application does not guarantee approval. Request must meet difficult criteria, and applicants are proceeding "at their own risk".

M. L. Goral

Signature of property owner

4-2-2013

Date

APRIL

3051-84th Ave. S.E. MERCER ISLAND, WA 98040

Site Address

TPN:1224049032

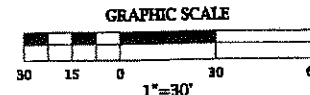
TPN:1224049122

TPN:1224049123

TPN:1224049043

TPN:1224049033

TPN:1224049044



LEGAL DESCRIPTION

THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 24 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON.

VERTICAL DATUM

ORIGINATING BENCHMARK:

CITY OF MERCER ISLAND MONUMENT DESIGNATION JM 1015, 1/2" BRASS CAP IN 4"x4" CONCRETE POST IN CASE.

VERTICAL DATUM: NAVD '88

ELEVATION: 85.16'

TEMPORARY BENCHMARKS:

1" TEM 'A' SET AXES MAG & WASHER IN GRANITE DRIVEWAY

ELEVATION: 239.84'

LEGEND

- POWER JUNCTION BOX
- TELECOMMUNICATIONS MANHOLE
- GUY ANCHOR
- POWER POLE W/ TRANSFORMER
- POWER POLE W/ UNDERGROUND CONDUIT
- POWER POLE W/ TRANSFORMER & UNDERGROUND CONDUIT
- POWER POLE
- GUY POLE
- SANITARY SEWER MANHOLE
- CATCH BASIN
- YARD DRAIN
- CULVERT
- FIRE HYDRANT
- HOSE BIB
- IRRIGATION CONTROL VALVE
- WATER METER
- WATER VALVE
- WELL
- GAS METER
- FUEL PUMP
- MAIL BOX
- ROCKERY
- SIGN
- POST
- SET BENCHMARK
- FOUND MONUMENT IN CASE
- FOUND REBAR AND CAP AS NOTED
- DITCH LINE
- SANITARY SEWER LINE
- OVERHEAD TELECOMMUNICATIONS LINE
- OVERHEAD POWER AND TELECOMMUNICATIONS
- GUY WIRE
- WOOD FENCE LINE
- SPLIT RAIL FENCE LINE
- CONCRETE PAVING
- ASPHALT PAVING
- BUILDINGS
- GRAVEL/DIRT SURFACE
- STONE PAVERS
- FLAGSTONE PAVERS

12" A ALDER	12" C GEDAR
12" B BIRCH	12" CFR CONIFER
12" COT COTTONWOOD	12" F FIR
12" CY CHERRY	12" H HEMLOCK
12" D DECIDUOUS	12" P PINE
12" FR FRUIT	12" SEO SEOUOIA
12" HO HOLLY	
12" M MAPLE	
12" MA MADRONA	
12" RH RHODODENDRON	
12" YEW YEW	
	HEDGE

RECEIVED

APR 03 2013

CITY OF MERCER ISLAND
DEVELOPMENT SERVICES

SE 1/4, NE 1/4, SEC. 12, TWP. 24N., RGE. 4E., W.M.
CITY OF MERCER ISLAND, KING COUNTY, WASHINGTON

BOUNDARY AND TOPOGRAPHIC SURVEY
OF
3501 84TH AVE SE

PACLAND

11711 SE 8th St.
Suite 303
Bellevue, WA 98005

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(425) 453-8208
www.pacland.com

Axis
Survey & Mapping

13005 NE 126th Pl.
Kirkland, WA 98034
TEL 425.823-5700
FAX 425.823-6700

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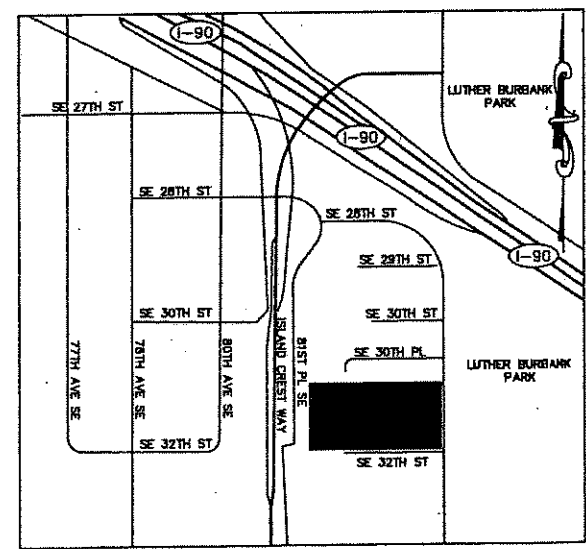
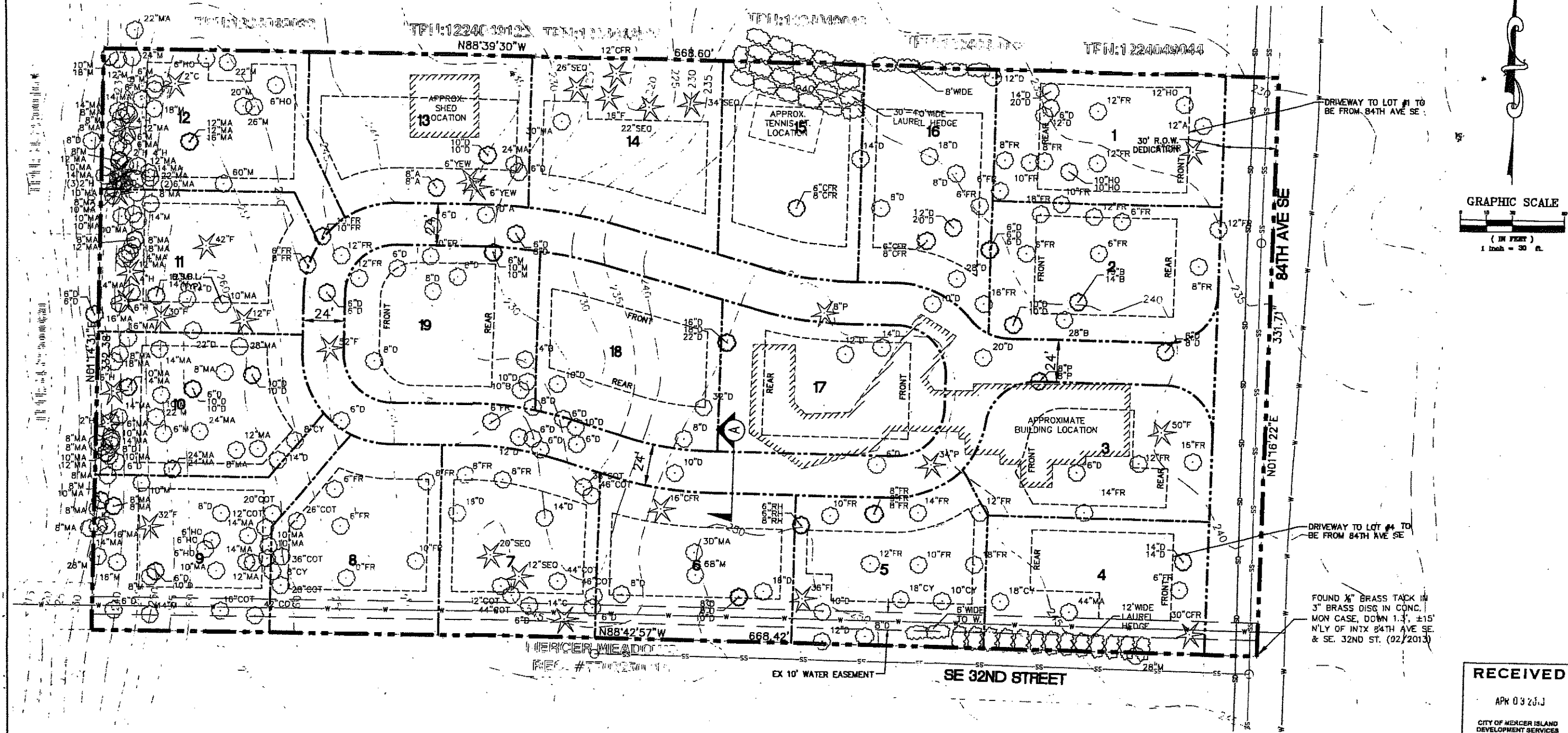
JOB NO.	DATE
13-020	4/2/13
DRAWN BY	CHECKED BY
JM	ZLN
SCALE	SHEET
1"=30'	1 OF 1

NOTE:
THIS MAP IS PART OF AN ONGOING SURVEY.
THERE ARE STILL AREAS NEAR THE NORTHWEST
CORNER AS WELL AS THE SOUTH LINE THAT
HAVE NOT BEEN SURVEYED. THIS MAP IS
CURRENT AS OF APRIL 2, 2013.

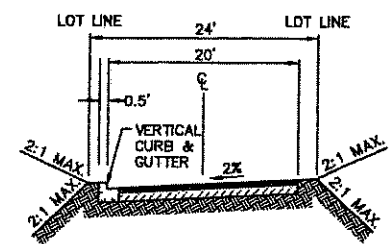


RIDGEWOOD AT ISLAND
CREST
VOL. 251/PG. 3-8

REV#	DESCRIPTION OF REVISION	DATE	BY
#1			
#2			
#3			
#4			
#5			
#6			
#7			



VICINITY MAP
N.T.S.



24' PRIVATE ACCESS TRACT (SECTION A)
N.T.S.

PROJECT INFORMATION

ZONING:	R-9.6
TOTAL PARCEL AREA:	221,975 SF (5.1 ACRES)
R.O.W. DEDICATION:	9,952 SF
PRIVATE ACCESS TRACT:	24,970 SF
NET DEVELOPABLE AREA:	187,053 SF (4.3 ACRES)
MAX LOT YIELD:	19.5
LOTS:	19
MIN. LOT SIZE:	9,600 SF
MIN. LOT DEPTH:	80'
MIN. LOT WIDTH:	75'
TAX PARCEL NUMBER:	1224049010
SETBACKS:	
FRONT:	20'
REAR:	25'
SIDE:	15' TOTAL (5' MIN)
FROM PUBLIC R.O.W.:	10'

LEGEND

---	PROPERTY LINE
---	PROPOSED R.O.W.
---	PROPOSED BUILDING
---	PROPOSED LOT LINE
---	PROPOSED CENTER LINE
---	PROPOSED B.S.B.L.
---	PROPOSED PAVEMENT/CURB
---	PROPOSED SIDEWALK
---	EXISTING WATER MAIN
---	EXISTING SANITARY SEWER MAIN
---	EXISTING STORM DRAINAGE PIPE

TREE LEGEND

12"A ALDER	12"C CEDAR
12"B BIRCH	12"CFR CONIFER
12"COT COTTONWOOD	12"F FIR
12"CY CHERRY	12"H HEMLOCK
12"D DECIDUOUS	12"P PINE
12"FR FRUIT	12"SEQ SEQUOIA
12"HO HOLLY	
12"W MAPLE	
12"MA MADRONA	
12"RH RHODODENDRON	
12"YEW YEW	
	LAUREL HEDGE

RECEIVED
APR 03 2013
CITY OF MERCER ISLAND
DEVELOPMENT SERVICES

COVAL PROPERTY

RYKON HOLDINGS

3051 84TH AVENUE SE

MERCER ISLAND, WA 98040

CONCEPTUAL SITE PLAN

1 OF 1

No.

Date

By

Revision Description

Issue Date

3/21/2013

CONCEPTUAL

Project No.

5033502

Designed By

SRB

Drawn By

JJA

Checked By

SRB

11711 SE 8th St.

Suite 303

Bellevue, WA 98005

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JUL 8 0 2013

CITY OF MERCER ISLAND
DEVELOPMENT SERVICES

June 18, 2013

Wes Giebrecht
North Bluff Developments, Ltd.
15080 North Bluff Road
White Rock BC V3B 5C1

RE: File No. CAO13-002 – Coval Critical Areas Determination

3051 84th Avenue SE, Mercer Island WA 98040;
King County Parcel No. 122404-9010

Dear Wes Giebrecht:

On April 3, 2013, the City received an application for a Critical Areas Determination (file number CAO13-002) to establish whether a watercourse is located on the above referenced property. City maps indicate that there is a Type 2 watercourse that runs from south to north across the center of the subject property. The watercourse is then shown to continue to the north into a pipe (Enclosure 1). Pursuant to Mercer Island City Code (MICC) 19.07.020(C), City maps are to be used for reference only. MICC 19.07.020(C) states "the applicant is responsible for determining the scope, extent and boundaries of any critical areas to the satisfaction of the code official." The applicants submitted to the City a "Critical Areas Review" dated March 30, 2013 and performed by Larry Burnstad of Watershed Dynamics (Enclosure 2). The report evaluated the site to determine whether the potential watercourse on the subject property met the following definition of "watercourses" in MICC 19.16.010(W):

A course or route, formed by nature and generally consisting of a channel with a bed, banks, or sides throughout substantially all its length, along which surface waters, with some regularity (annually in the rainy season), naturally and normally flow in draining from higher to lower lands. This definition does not include irrigation and drainage ditches, grass-lined swales, canals, storm water runoff devices, or other courses unless they are used by fish or to convey waters that were naturally occurring prior to construction.

The applicant's critical areas report concluded that there was not a watercourse either on or immediately adjacent to the Coval property (Enclosure 2, page 13).

As this application for a Critical Areas Determination was submitted ahead of a formal subdivision application, City staff decided to submit the project for peer review. The City contracted with the Watershed Company to perform a second watercourse study on the subject property. On April 17, 2013, the City received the peer review of Watershed Dynamics' critical areas study prepared by Nell Lund (Enclosure 3). On page 4 of Enclosure 3, the peer reviewer concurred with the applicant's assessment of the watercourse:

Although surface water is evidently conveyed through the ravine, flows are not substantial enough to produce a distinct bed and banks throughout substantially all its length. Based on my interpretation of the definition above, this feature is not a regulatory watercourse.

Nevertheless, the report from the Watershed Company stated that there were wetland conditions observed in a ravine on site.

...wetland conditions were observed in association with the mapped onsite watercourse. Standing water, saturated soils and a high ground water table was observed both above and below the interior dirt road (See photo documentation below). Vegetation in wet areas is characterized by osoberry, English holly, iris, lady fern, creeping buttercup, and at least one skunk cabbage.

On May 8, 2013, the applicant submitted to the City a second critical areas review prepared by Larry Burnstad (Enclosure 4), which addressed the potential wetland conditions on the subject site. Mr. Burnstad concluded that there were no regulated wetlands on the property. There was limited hydrophytic vegetation on site, which was located in an area subject to alterations to support landscaping (Enclosure 4, pages 2 and 3). Additionally, saturated soils could be attributed to above average precipitation (Enclosure 4, page 5).

The applicant was contacted on June 3, 2013 regarding contracting for peer review on Mr. Burnstad's report in response to potential wetland conditions on site. On June 11, 2013, the City received a report from Mr. Burnstad reaffirming his initial conclusions presented in his May 2, 2013 memo and restating that wetland conditions do not exist on the site (Enclosure 5). To resolve the wetland issue, Nell Lund of the Watershed Company and Larry Burnstad of Watershed Dynamics met with Wes Giesbrecht, Fred Glick, and Shana Crick on the subject property. Nell Lund performed an additional site investigation and determined that wetland conditions did not exist on the subject property. Ms. Lund's conclusions are documented in an addendum to her initial critical areas study (Enclosure 6), which was received by the City on June 17, 2013.

Suspected wetland areas with the ravine were thoroughly evaluated and found to be non-wetland. Additional hydrology data was provided by Watershed Dynamics, in addition to landscaping and irrigation details. Finally the site visit revealed a lack of wetland hydrology indicators within sampled soil pits.

Taking into consideration the findings of both Watershed Dynamics and the Watershed Company, it can be concluded that the Type 2 watercourse shown on City maps does not meet the definition of "watercourse" pursuant to MICC 19.16.010(W), and consequently will not be regulated as such. Furthermore, Mr. Burnstad's reports (Enclosures 4 and 5) and Ms. Lund's Follow up to Peer Review of Critical Areas Study (Enclosure 6) verified that regulated wetlands are not present on the subject property. Therefore, any subsequent development of the above referenced property would not be subject to buffer restrictions associated with regulated watercourses and/or wetlands under the current regulations.

Please do not hesitate to contact me via e-mail at shana.crick@mercergov.org or by phone at 206-275-7732 if you have any questions.

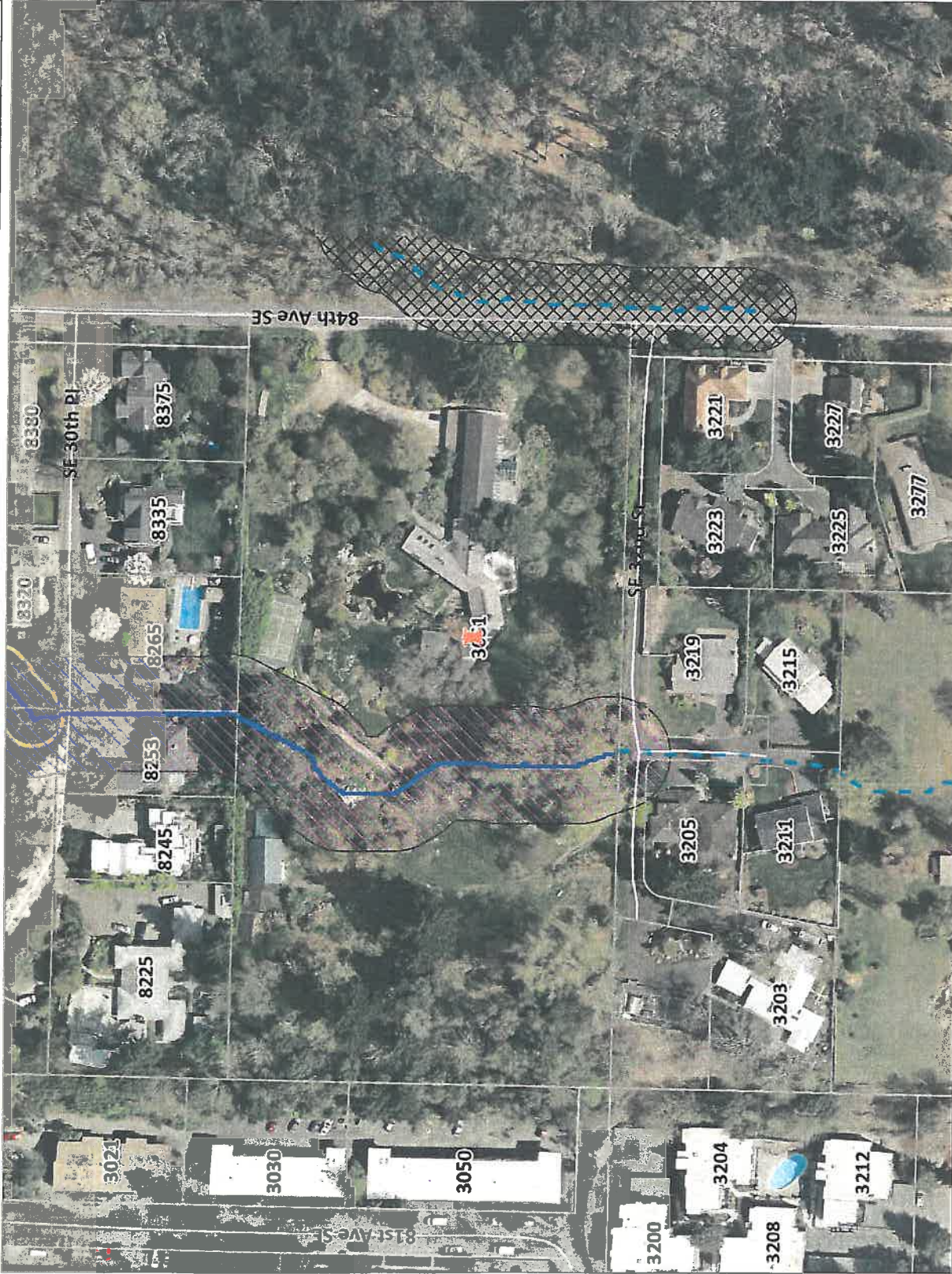
Sincerely,

Shana Crick

Shana Crick, Planner
City of Mercer Island Development Services Group

Copy: Myer Coval
Fred Glick

Enclosures (6)



Legend

Parcels

Street Centerline

Address

Docks

Major Roads

Shoreline

Watercourse

1-Potential Fish Use

2-Perennial

3-Seasonal

Type 1 Standard 75 ft Buffer

Type 2 Standard 50 ft Buffer

Type 3 Standard 35 ft Buffer

Piped WaterCourses 25ft Buffer

April 2012

Red: Band_1

Green: Band_2

Blue: Band_3

1:1,587



Notes

Enter Map Description

Disclaimer: These maps were developed by the City of Mercer Island and are intended to be a general purpose digital reference tool. These maps are not an accepted legal instrument for describing, establishing, recording or maintaining descriptions for property concerns or boundaries. The City makes no representation or warranty with respect to the accuracy or currency of these data sets, especially in regard to labeling of surveyed dimensions, or agreement with official sources such as records of survey, or mapped locations of features.

264.5 0 132.23 264.5 Feet

© City of Mercer Island Map Printed: May 22, 2013

WATERSHED DYNAMICS

Post Office Box 215, Enumclaw, Washington TEL 360.825.9253 FAX 360.825.9248

DATE:	March 30, 2013	HARD COPY SENT:	X	YES		NO
FAX:	na	FAX COPY SENT:		YES	X	NO
E-MAIL:	sborgeson@pacland.com	E-MAIL COPY SENT:	X	YES		NO
TRANSMITTAL	PAGES SENT INCLUDING COVER PAGE:					
SUBJECT:	Watercourse Review for the Coval Property on Mercer Island					
TO:	Mr. Wes Giesbrecht, President Atlin Investments, Inc. c/o Mr. Scott Borgeson PACLAND 11711 SE 8 th Street, Suite 303 Bellevue, Washington 98005					
FROM:	Larry D. Burnstad, Senior Environmental Consultant					
PROJECT NAME:	Critical Areas Review: Coval Property					
PROJECT NUMBER:	Watershed Dynamics Project No. 2013001					

Thank you for the opportunity to review the Meyer Coval Property located at 3051 – 84th Avenue SE, Mercer Island, Washington (*see Figure 1 below*). As expressed prior to our field review on March 28, 2013, your primary concern was a Type 2 Watercourse that, per the City of Mercer Island Watercourse Type Map, appeared to be located on the west side of the subject property.

Per your request I reviewed both the critical areas information and the Mercer Island Municipal Code (MIMC) that were available on the City of Mercer Island (City) web site. As you indicated, the City's Watercourse Type Map indicates the presence of a Type 2 Watercourse that appears to be located in the western portion of the subject property. According to MIMC §19.06.010 – Definitions, a “watercourse” is defined as:

“A course or route, formed by nature and generally consisting of a channel with a bed, banks, or sides throughout substantially all its length, along which surface waters, with some regularity (annually in the rainy season), naturally flow in draining from higher to lower lands. This definition does not include irrigation and drainage ditches, grass-lined swales, canals, stormwater runoff devices, or other courses unless they are used by fish or to convey water that were naturally occurring prior to construction.”

FINDINGS

Prior to my onsite review, I walked south from the Coval driveway entrance along 84th Avenue SE to SE 32nd Street, a paved road adjacent to the southern boundary of the subject property. I continued west along SE 32nd Street to the driveway leading to the residence at 3211 – 84th Avenue SE, which was located approximately 125 feet to 150 feet south of the subject property (*see Figure 1 below*). This driveway was immediately south of the swale designated by the City as a Type 2 Watercourse on the Coval property.

There was a large grassy depression (*see Figure 1 and Photo 1 below*) located south of the residence at 8211 – 84th Avenue SE. Based on my review of available topographic maps, this grassy area forms the “headwater” of the Type 2 Watercourse identified by the City as extending from SE 32nd Street north to Lake Washington. The hydrologic divide between this basin, which drains to the north, and the basin to the south is located at approximately the southern property boundary of the house seen in the background of Photo 1. The house visible in the background of Photo 1 is located on the south side of SE 33rd Place (*see Figure 1 below*).



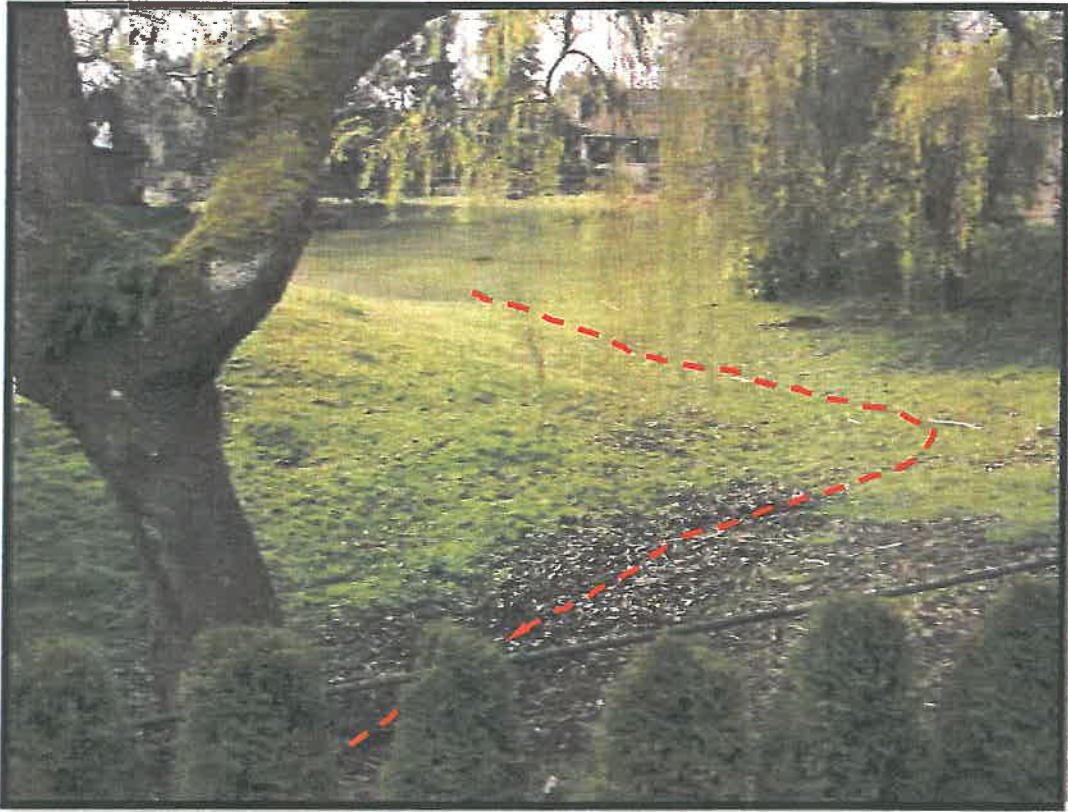


PHOTO 1: Headwater area south of 8211 – 84th Avenue SE.

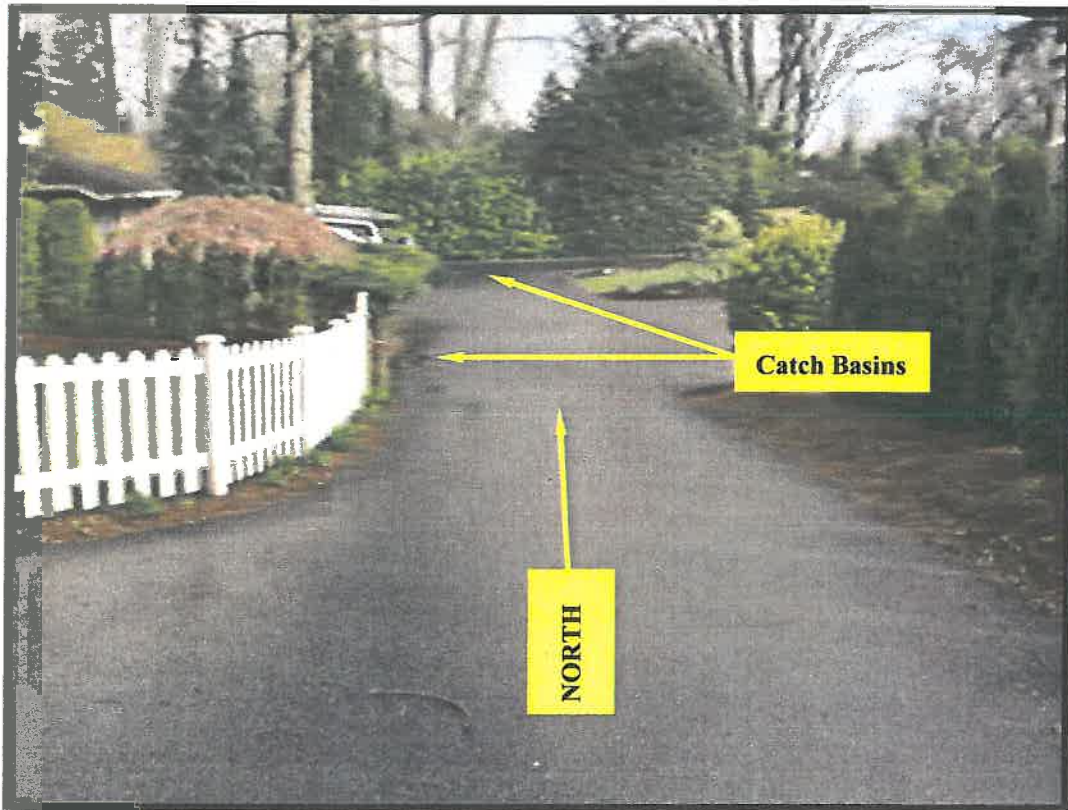


PHOTO 2: Driveway leading from 3211 – 84th Avenue SE north to Coval south property line.



PHOTO 3: View of catch basin in driveway leading to 8211 SE 32nd Street.

The grassy area visible in the foreground and middle ground of Photo 1 slopes north toward the southern boundary of the property at 3211 – 84th Avenue SE. Upon inspection I was unable to find any watercourse within this area, particularly no watercourse consistent with the definition found in MIMC §19.06.010.

I did find the inlet of a drainage pipe below the base of the tree in the lower left corner of Photo 1. The drainage pipe appeared to be located under the driveway leading to 3211 – 84th Avenue SE (*see Photo 2 above*) and may have been installed as part of the subdivision located immediately south of the Coval property. It also appeared the pipe was installed to convey any surface water runoff from the headwater area, through the residential development, under SE 32nd Street, and onto the Coval property (*see Photo 4 below*).

I found a catch basin in the driveway leading from aforementioned residence north to SE 32nd Street (*see Photo 3 above*) as well as a catch basin in SE 32nd Street. Each of these catch basins was connected to the drainage pipe located between the headwater area and the vegetated swale located in the western portion of the Coval property.

After reviewing the headwater and developed areas south of the subject property, I initiated my review of the swale located within the subject property. As part of my review, I walked the entire property looking for evidence of any critical habitat. Although I found no “critical” areas, I did find a topographic low area or swale located in the western part of the site. The fall line of this swale was oriented south to north (higher elevation to the south).

Approximately 30 feet to 35 feet north of the Coval south property boundary I observed the outlet end of 12-inch diameter ADS drainage pipe. This pipe appeared to be the outlet end of a drainage device conveying stormwater runoff from developed properties to the south.

From the outlet of the drainage pipe I walked approximately 75 feet to 100 feet northward to a small concrete bridge (landscape feature). This bridge appeared to have been constructed across the swale primarily to flatten the vertical curve of the pathway from the east side to the west side of the site. The structure would also function to convey surface flow from the south side to the north side of the path, should the need arise.



PHOTO 4: View looking upstream from bottom of swale at south end of property. SE 32nd Street is on the south side of the split-rail fence and laurel hedge visible in the upper portion of the photograph.

There was no evidence of a “natural channel” nor was there any evidence of surface water flow between the pipe outlet and the small bridge (*see Photo 4 above and Photo 5 below*). Conditions downstream of the small bridge were essentially the same as those observed upstream of the bridge (*see Photo 6 below*).



PHOTO 5: View looking at swale down slope (north) of the outlet end of drainage pipe.



PHOTO 6: View looking down slope (north) from concrete bridge at swale.



PHOTO 7: View looking at inlet end of drainage pipe from north side of Coval property to the north side of the SE 30th Place road fill.

At the northern boundary of the subject property, I observed the inlet end of a 12-inch diameter ADS pipe that appeared to have been installed to convey surface water runoff from the north property boundary (*see Photo 7 above*) through a residential development immediately north of the subject property. From the inlet of the drainage pipe I was able to look northward across the property located immediately north of the Coval property. There was no evidence of any surface flow or conveyance channel on the property to the north.

After photographing the pipe inlet, I walked off the subject property onto 84th Avenue SE, turned north and continued to SE 30th Place, and then west to 8253 SE 30th Place (*see Photo 8 below*). I estimated the drainage pipe coming from the subject property would outlet along the east side of this property and south of SE 30th Place. There was a catch basin in the driveway (*see Photo 9 below*) on the south side of the street, but the pipe outlet was actually located at the toe of the road fill on the north side of SE 30th Place (*see Photo 10 below*).

Any surface water conveyed through the drainage pipe would flow into another grass-lined swale that continued in a northerly direction from SE 30th Place toward SE 30th Street (*see Photo 10 below*). I observed the swale that started on the north side of SE 30th Place terminated in a small depression on the south side of SE 30th Street (*see Photo 11 below*). I did not observe any “natural” channel or watercourse between SE 30th Place and SE 30th Street (*see Photo 10 and Photo 11 below*). I did, however, observe an open-grated catch-basin lid in the small depression immediately south of SE 30th Street, indicating any surface drainage that would occasionally occur was being captured at that point and was being conveyed further down slope in a closed drainage pipe.

Based on the location of the catch basins on the south side of SE 30th Street I continued my investigation on the north side of the street in an attempt at finding a drainage pipe outlet, conveyance channel, or some evidence of a grass-lined swale. I was not able to find any conveyance structures other than catch basin grates in the area south of 8236 SE 30th Street (*see Photo 12 below*). The drainage pipe is located under the street and goes between the two residences shown in Photo 12.



PHOTO 8: View looking south along the east side of 8253 SE 30th Place (property immediately north of the Coval property). Photo 9 below shows the catch basin in this driveway that is connected to the drain pipe that inlets on the subject property (see *Photo 7 above*).



PHOTO 9: Catch basin, in driveway at 8253 SE 30th Place, that is connected to drainage pipe.



PHOTO 10: View of swale on north side of SE 30th Place. Red line shows slope direction (north).



PHOTO 11: View of catch basins east of 8241 SE 30th Street on south side of the street.



PHOTO 12: Driveway leading north from SE 30th Street to 8234 (to left) and 8236 (to right) SE 30th Street. Approximate drainage pipe shown with red dashed line.

I continued my preliminary review by investigating the area on SE 29th Street and SE 28th Street where I estimated the drainage course should be located. I did not find any open watercourse between the south of SE 30th Street and the north side of SE 29th Street. There was an open channel with the watercourse characteristics defined for an Intermittent Watercourse in MIMC §19.06.010 (*see Photo 13 below*). This was the only section of stream channel (watercourse) that had a channel bottom of mineral soil and gravel as well as channel banks. The channel appeared to only have flow in response to storm events and continuing for a short period of time following the cessation of precipitation. As such, it more closely met the definition of a Type 3 Watercourse as defined in MIMC §19.06.010.



PHOTO 13: View looking south at section of watercourse between SE 29th Street and SE 28th Street.

In addition, I reviewed aerial photography available on Google Maps and the King County GIS Center (KCGIS) Imap® database. I discovered the presence of a “lid” over I-90, which was located in the general vicinity of the “Type 2 Watercourse” shown on the City’s watercourse map. The map indicates surface flow in a channel located between the north side of SE 29th Street the south side of I-90. That same channel is shown to cross I-90 on the east side of Island Crest Way before continuing in a north easterly direction to Lake Washington.

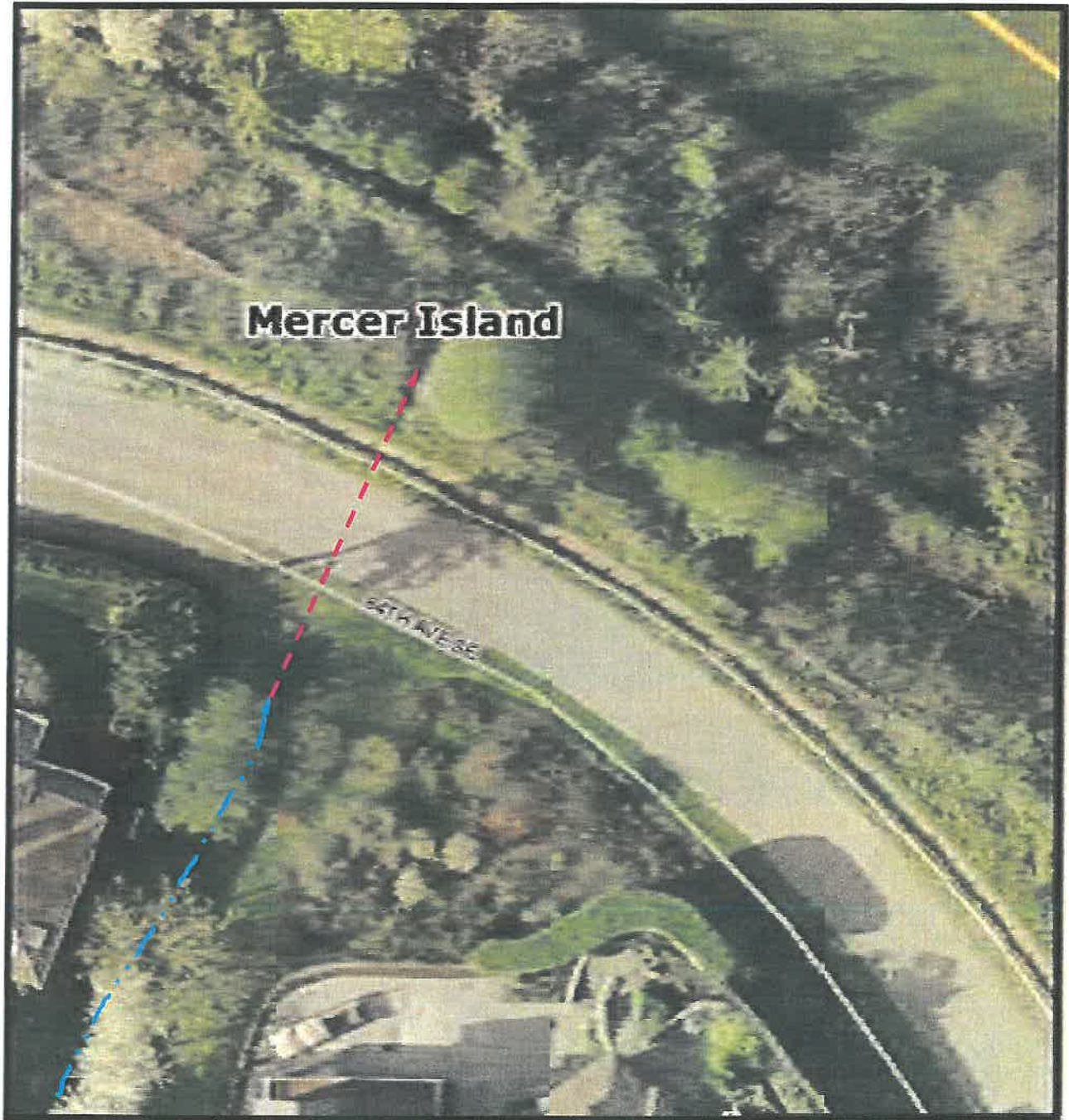


PHOTO 14: Aerial view of watercourse between SE 29th Street and SE 28th Street. Beyond the north end (outlet) of the pipe under SE 28th Street/84th Avenue SE the condition of the watercourse was unclear. I was unable to find any open channel between SE 28th Street and the retaining walls adjacent to the south side of I-90.

I was unable to identify any of the open channels shown on the City's map between SE 28th Street and I-90 (*see Photo 14 above*). It is possible, based on the steep terrain and the retaining walls adjacent to I-90, that any stormwater runoff collected on the south side of I-90 is conveyed in a closed-drainage system under I-90 and may outlet into an open channel on the north side of north Mercer Way.

CONCLUSIONS

- (1) Based on my field review, reading of the pertinent MIMC sections, and evaluating available aerial photography (circa 2009), I have concluded there is not a Type 2 or Type 3 Watercourse located within or immediately adjacent to either the south side or the north side of the Coval property.
- (2) Within the entire length of the drainage from SE 33rd Street to Se 28th Street ~45% of the length is in drainage pipes, ~37% is open drainage that does not meet the MIMC definition of a watercourse, and the northern 18% is consistent with the MIMC definition of a Type 3 Watercourse.

RECOMMENDATION

Please note that my conclusion must be reviewed and accepted by the City of Mercer Island before being considered final. I recommend delaying any significant land use planning activities until after the City's staff has reviewed and approved this report.

STATEMENT OF QUALIFICATIONS: Larry D. Burnstad, Senior Environmental Scientist

I received a BS in Biological Sciences with an emphasis Fisheries Management from California State University at Sacramento in June 1974. That same month I began my professional environmental career as a GS-4 Hydrologic Technician working for the U.S. Forest Service (USFS) first on the Sandpoint Ranger District in Sandpoint, Idaho (1974) and then as a GS-5/7 Hydrologic Technician on the Banners Ferry Ranger District in Bonners Ferry, Idaho (1975 – 1976). In 1977 I transferred to the San Juan National Forest Supervisor's Office in Durango, Colorado, where I worked as the Forest Hydrologist (GS-9). In 1978 I was assigned as Forest Hydrologist (GS-11) on the Malheur National Forest Supervisor's Office in John Day, Oregon. In 1980, I transferred to the Mt. Baker-Snoqualmie National Forest as Hydrologist (GS-11) in the South Zone Engineering Center in Enumclaw, Washington. In 1982, the Engineering Zone was eliminated and I was assigned to the White River Ranger District as the Other Resources Assistance (GS-11) with a staff of 4 permanent and 6 seasonal professionals involved in fish and wildlife habitat, watershed, mineral/geothermal resources, and recreation management programs.

During my 10 years with the USFS my responsibilities included being directly involved in and/or managing staff personnel to accomplish the following:

1. Stream channel habitat and stability assessments to: (a) establish baseline watershed conditions and (b) evaluate habitat conditions within active land use projects. Typical land use projects included timber harvest, road construction, mining, and livestock grazing (within allotments). Assessment activities involved:
 - a. Physically walking stream channels on both national forest and private land in watersheds within the District or National Forest boundary. Tasks included observing and documenting (in writing and with photographs) the stream channel and riparian area or designated buffer characteristics.
 - b. Identification of active and potential erosion hazard areas and/or landslides within the stream corridor.
 - c. Identification of human-caused impacts to fish and wildlife habitat including the type and location of human-made fish migration barriers.
 - d. Establishing and maintaining a data base to store the stream channel/corridor information collected. This data base was used to provide input to Environmental Assessments, Environmental Impact Statements, and other land use planning documents.
2. Fish and wildlife habitat identification and delineation. This activity included:
 - a. Conducting fish population and aquatic organism assessments to determine existing conditions and establish a baseline inventory.
 - b. Identification and delineation of wetland habitat as well as documentation of wildlife use within wetland habitats.
 - c. Establishing and maintaining a data base to store the habitat information collected. This data base was used to provide input to Environmental Assessments, Environmental Impact Statements, and other land use planning documents.
3. Water quality and quantity monitoring to: (a) establish baseline information and (b) assess ongoing land use activities. This program involved:
 - a. Locating and establishing permanent monitoring stations, collecting water samples, and measuring stream flows. Data collected was used to establish background water quality conditions and hydrologic regimes within watersheds managed primarily by the USFS.
 - b. Locating and establishing temporary monitoring stations to collect water quality and quantity information upstream and downstream of active land use projects. The data collected was used to monitor for project related water quality degradation as it occurred and implement immediate impact prevention measures.
 - c. Maintaining and using a variety of field instruments for collecting various water quality parameters.
 - d. Constructing and maintaining water quantity gauging stations as well as measuring water flow.
 - e. Setting up, maintaining, and collecting data from precipitation gauges.
 - f. Establishing and maintaining a water quality lab as well as using laboratory equipment to analyze samples collected at the monitoring stations.
 - g. Maintaining a water quality and quantity data base to store information collected as part of baseline inventory projects and as part of ongoing efforts to eliminate or minimize land use activity impacts.

4. Watershed analysis reports including assessment of flood damage and proposals for flood damage restoration.
 - a. This activity also included runoff modeling to assess the impact of proposed land use activities on stream channel habitat, stream hydrology, and human-made structures such as culverts and bridges.
 - b. Modeling results were also provided to engineering staff to assist with road drainage and channel crossing design.
5. Field evaluation of proposed road alignments, including identification and delineation of wetland habitat, stream crossing, and potentially unstable slopes. Making recommendations for alternative routes to avoid or minimize environmental impacts associated with proposed road construction projects.
6. Providing technical input related to stream crossing, road drainage, and erosion control design elements for road construction projects;
7. Preparation and submittal of written reports related to existing conditions within and downstream of proposed land use activities with specific emphasis on recommended "best management practices" intended to avoid or minimize adverse environmental impacts that could potentially, or were likely to, result from project implementation;
8. Preparation and submittal of habitat impact mitigation and/or restoration plans.
9. Preparation and submittal of portions of Environmental Assessments, Environmental Impact Statements, and Long Range Land Use Planning documents.

Following my resignation from the USFS in 1994 I started Watershed Dynamics, using my previous 10 years experience to provide environmental consulting services to both public and private sector clients. For the past 28 years the primary focus of my consulting has been assessment, management, and restoration of stream channel and wetland habitat as well as providing technical expertise to interdisciplinary project design teams. I have provided, and continue to provide, consulting services including:

- Onsite and near-site evaluation to identify, delineate, and classify stream and/or wetland habitats/habitat types within and/or immediately adjacent to proposed land use projects.
- Preparation and submittal of written reports used by clients in project planning and design as well as agency permit application submittals.
- Preparation of project design alternatives focused on stream and/or wetland habitat and buffer impact avoidance or minimization.
- Attendance at client meetings with Federal, state, and local regulatory staff. This has included preparation and presentation/submittal of pertinent environmental information used in agency evaluation of proposed land use projects and, once permitted, specific agency permit conditions and/or requirements.
- Stream/wetland habitat and buffer impact mitigation/restoration design and permit acquisition. This has included Federal, state, and local agency stream and wetland habitat/buffer restoration projects.
- Mitigation/restoration project construction management, including environmental monitoring required by agency permits (i.e. NPDES/SWPPP).
- Post-construction performance monitoring, with report preparation for periodic submittal to permitting agencies.

My 38-year environmental "consulting" career has afforded me the opportunity to work on projects in Washington, Oregon, Idaho, Colorado, and California including the evaluation of over 300 miles of stream channels. I have had the opportunity to work on a variety of projects involving forest land management activities, commercial and residential developments, highway/road projects, electrical transmission lines, fiber optic cable installations, hydroelectric project relicensing, dredge mining sites, and numerous stream and wetland habitat restoration projects.

I have also functioned as the contracted "environmental" staff person for several small municipalities in King and Pierce counties. The majority of my assignments involved review of proposed private development projects, SEPA Checklists and other environmental documents, and mitigation plans to assure compliance with local agency development regulations. I have also provided code enforcement assistance specifically related to the wetland and aquatic habitat portions of local critical areas regulations. Further, in 2004 through 2005 I worked with Matt Mathis on the development and passage of the revised Critical Areas Ordinance for the City of Enumclaw, a Washington Department of Ecology requirement.

ENCLOSURE 3

April 17, 2013

Shana Crick
City of Mercer Island
Development Services Group
9611 SE 36th Street
Mercer Island, WA 98040

Re: Coval Property – Peer Review of Critical Areas Study

Dear Shana:

This letter presents the findings of an environmental review of a critical area study, which was conducted on the Coval Property, located at 3051 84th Avenue SE in the City of Mercer Island. The following report documents were reviewed for this study:

Critical Areas Review: Coval Property, prepared by Watershed Dynamics, dated March 30, 2013.

Methods

The provided critical areas study was reviewed. Additionally, public-domain information on the subject property was also reviewed for this study. These sources include USDA Natural Resources Conservation Service Soil maps, U.S. Fish and Wildlife Service National Wetland Inventory (NWI) maps, City of Mercer Island GIS maps, and King County's GIS mapping website (iMAP).

I visited the site on April 15, 2013 to review site conditions reported by Watershed Dynamics.

Findings

The subject property is 5-acres; it contains a single-family residence and accessory buildings. The critical areas study provided by Watershed Dynamics (the report) for this property, does not address all onsite and adjacent critical areas. Only one of two mapped watercourses in the immediate vicinity is discussed. As shown on the enclosed GIS map, two watercourses are mapped in the project vicinity, one (Type 2) onsite and one (Type 3) east of the right of way for 84th Avenue SE. Additionally, although wetland conditions were observed onsite, wetlands are not mentioned in the report.

Onsite Watercourse

A Type 2 watercourse is mapped by the City within a natural ravine in the central portion of the subject property. Flows through the ravine enter the property via a

culvert near the south property boundary/SE 32nd Street. There is a box culvert under the interior dirt road and a culvert at the north property boundary. The ravine from upslope (south) to down-slope (north) is shown in the photos below.



Mapped Type 2 Watercourse: onsite segment from top to bottom (clockwise). 1) inlet culvert at the south end, 2) alluvial sediment deposition, 3) box culvert under interior road, 4) looking south at yard waste on north end of box culvert, 5) flow path, 6) sediment deposition and outfall culvert at the north end.

Water was not flowing through the ravine on the day of my site visit. Periodic flow is evidenced by sediment deposition and limited scour, which was seen in patches along the length of the ravine. However, the channel is ill defined and lacks distinct banks. Fallen leaves and yard clippings obscured much of the flow path. No open channels were observed immediately above or below the subject property. An open channel was noted a few blocks downslope of the subject property, approaching SE 28th Street; this feature appears to be accurately mapped as a Type 3 seasonal watercourse.

Some onsite areas within the ravine were inundated or saturated at or near the surface. These areas are described in the wetland section below.

Offsite Watercourse

The Type 3 watercourse mapped east of 84th Avenue SE was not documented or discussed in the report. The buffer of this watercourse may encumber the subject property. This mapped feature needs to be addressed in the report.

Wetlands

A pond north of the residence is mapped by NWI as an impounded wetland, L1UBHh (Lacustrine Limnetic Unconsolidated Bottom Permanently Flooded Diked/Impounded). This feature appears to be constructed; the pond edges are lined with rock. Water flows from the upper to the lower pond via a watercourse-like channel. Observed conditions indicate that water is likely pumped and re-circulated within the pond. The source of hydrology is not evident. No natural wetlands were observed in the immediate vicinity of the pond.



Pond: (left) looking NE from the west edge; (right) looking SE from the west edge.

In addition to the pond, wetland conditions were observed in association with the mapped onsite watercourse. Standing water, saturated soils and a high ground water table was observed both above and below the interior dirt road (See photo documentation below). Vegetation in wet areas is characterized by osoberry, English holly, iris, lady fern, creeping buttercup, and at least one skunk cabbage.



Wetland Conditions: (left) standing south of the dirt road, looking downslope; (right) standing north of the dirt road, looking NE [Note: yellow skunk cabbage (OBL) near the center of this photo.]. Dark patches in each photograph are standing water/saturated soils.

Conclusions

The onsite watercourse is clearly not perennial as mapped. The natural ravine does form a course or route along which surface waters flow. As evidenced by poor channel definition, it flows intermittently, presumably in low volume. Per the city's definition (MIMC 19.16.010) watercourses are (bold emphasis added):

*"A course or route, formed by nature and **generally consisting of a channel with a bed, banks, or sides through substantially all its length**, along which surface waters, with some regularity (annually in the rainy season), naturally and normally flow in draining from higher to lower lands. The definition does not include irrigation and drainage ditches, grass-lined swales, canals, storm water runoff devices, or other courses unless they are used by fish or to convey waters that were naturally occurring prior to construction."*

Although surface water is evidently conveyed through the ravine, flows are not substantial enough to produce a distinct bed and banks *through substantially all its length*. Based on my interpretation of the definition above, this feature is not a regulatory watercourse.

The offsite watercourse needs to be evaluated to determine if buffer encumbrances are applicable under the city code.

Although the pond appears to be a constructed feature built out of non-wetland area, it does appear on NWI maps and should therefore, be addressed in the critical areas report.

The observed wetland conditions within the ravine, including springtime hydrology, above and below the interior dirt road should be investigated and documented in a revised report.

Recommendations

The following report edits and additions are recommended:

1. Evaluate, document and classify onsite wetland areas in the ravine to inform the applicant of jurisdictional wetland status, regulatory wetland boundaries, and associated buffer widths.
2. Evaluate the pond to determine its jurisdictional status and acknowledge the NWI notation. If non-jurisdictional, provide reasoning for this conclusion.
3. Evaluate and document the offsite watercourse, east of 84th Ave SE to determine any onsite buffer encumbrances.

Please call if you have any questions or if I can provide you with any additional information.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Nell Lund', written in a cursive style.

Nell Lund, PWS
Ecologist

Enclosures



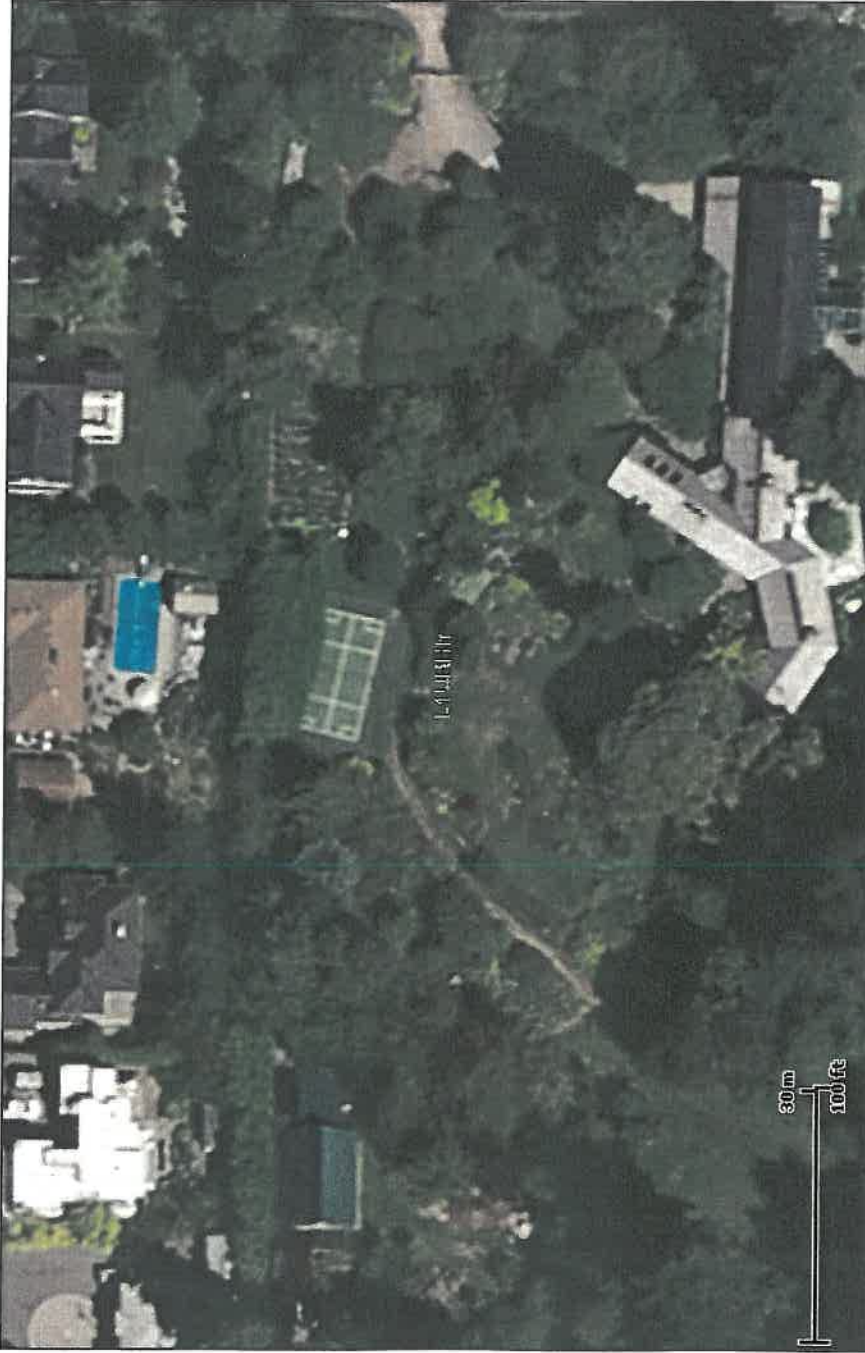
U.S. Fish and Wildlife Service

National Wetlands Inventory

Apr 15, 2013

Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other



This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

User Remarks:

WATERSHED DYNAMICS

Post Office Box 215, Enumclaw, Washington TEL 360.825.9253 FAX 360.825.9248

DATE:	May 2, 2013	HARD COPY SENT:		YES	X	NO
E-MAIL:	atlin@qwestoffice.net	E-MAIL COPY SENT:	X	YES		NO
TRANSMITTAL	PAGES SENT INCLUDING COVER PAGE:		6			
SUBJECT:	Wetland Review at the Coval Property					
TO:	Mr. Wes Giesbrecht, President Atlin Investments, Inc.					
FROM:	Larry D. Burnstad, Senior Environmental Consultant					
PROJECT NAME:	Critical Areas Review: Coval Property					
PROJECT NUMBER:	Watershed Dynamics Project No. 2013001					

On March 28, 2013 I conducted a field review of the Coval property located at 3051 – 84th Avenue SE, Mercer Island, Washington. The purpose of that review was to determine if there were critical areas located within the property, specifically the presence of a Type 2 Watercourse shown on the City of Mercer Island (City) Watercourse Type Map.

As a result of my field investigation, which included a review of properties south and north of the subject property, I presented my findings in a March 30, 2013 Critical Areas Report. Based on my investigation I determined there was not a Type 2 Watercourse within the Coval property.

I did not report any findings related to other regulated critical areas such as wetlands, fish and wildlife habitat conservation areas, flood hazard areas, or geologic hazard areas. I did not find any evidence of wetlands or fish and wildlife habitat conservation areas within, or in close proximity to, the Coval property. My professional training and expertise qualifies me to evaluate and report on watercourses, wetlands, and fish and wildlife habitat conservation areas.

My March 30, 2013 report was reviewed for the City by the Watershed Company. In their April 17, 2013 memo the Watershed Company indicated concurrence with my findings related to the Type 2 Watercourse. In addition, the memo discussed the presence of a Type 3 Watercourse located east of the subject property in a City park (*see Page 3*) and potential wetlands within the subject property (*see Page 3 and Page 4*).

On Page 5 of their memo, the Watershed Company recommended evaluation of:

1. The “onsite wetland areas in the ravine” originally mapped by the City as a Type 2 Watercourse,
2. A “pond” that is shown in the U.S. Fish and Wildlife Service National Wetland Inventory (NWI) data base as a L1UBHh (Lacustrine, Limnetic, Unconsolidated Bottom, Permanently Flooded Diked/Impounded) wetland, and
3. A Type 3 Watercourse located in the City park east of 84th Avenue SE.

The following is provided in response to those recommendations, starting with the last item first.

ITEM 3: There is a Type 3 Watercourse located on the east side of 84th Avenue SE, but it is actually located further east of the road than shown on the City Watercourse Type Map. The channel is also more than 35 feet east of the east edge of the pavement (84th Avenue SE) and more than 60 feet east of

the east property line of the subject property. Therefore, the presence of the Type 3 Watercourse will not be an issue with respect to any future development of the subject property.

ITEM 2: According to an article copyrighted by David Paul Eck in 2012, the “pond” that appears on the NWI map is a human-made feature. The pond is located at the original site of the 1913 Alexander house and was the wine cellar for that house. In 1948 the Alexander house was removed and the new house was constructed in its present location. The property owners (the Starrs) converted the wine cellar into a swimming pool.

In 1982 when the Coval’s purchased the property, the swimming pool remained until they remodeled the house and added an indoor pool at the west end. Rather than filling the wine cellar/swimming pool, the Coval’s elected to convert the pool into a koi pond.

Using a design created by John Fish (*their indoor pool designer*) the koi pond was constructed using of massive pieces of Hansen Creek Quarry granite, rebar, and gunite,. The water in the pond is circulated and filtered by a pumping system located in an underground vault near the pond.

During my site visit I inspected the outer edge of and looked at the visible pond bottom. I confirmed the structure was a combination of large rock and gunite. I observed several koi in the pond as well as a wide variety of plants within and along the edges of the pond.

CONCLUSION: Based on the article I reviewed and my field observations, I have concluded the “pond” does not meet the criteria required to be a regulated or jurisdictional wetland.

ITEM 1: With respect to the potential wetland noted by the Watershed Company on April 15, 2013 I offer the following:

There are three features (wetland indicators) that must be present for a wetland to be delineated. The indicators are the presence of:

- Hydrophytic (*wetland*) vegetation that is dominant in the vegetative community,
- Hydric soils (*soils that have evolved in the presence of wetland hydrology*), and
- Wetland hydrology (*inundation or saturation in the upper 12 inches of the soil column*), which is present for a minimum of 14 consecutive days during the growing season and under conditions of normal precipitation.

The Coval property is a managed landscape with a majority of the plant species being non-native. There have been gardeners/landscape management personnel present each of the four times I have visited the property. The lawn appeared to be mowed and the flower beds cultivated frequently.

The vegetation in the “ravine”, which is located in the western portion of the subject property, has been and continues to be managed as part of the landscaping within the subject property. Most of the plants in the ravine are non-native plants and not hydrophytic. Two large black cottonwood (*Populus trichocarpa*), some dandelion (*Taraxacum officinale*), and some buttercup (*Ranunculus repens*) were observed. Cottonwood and buttercup are hydrophytic (FACW) species, dandelion is not. None of these species were “dominant” in the ravine. The buttercup was sparse throughout the ravine and the two cottonwood were south of the interior pathway mentioned in the Watershed Company report.

As is the case over the entire property, the bottom of the ravine is weeded and cultivated regularly so there is very little groundcover except in those areas managed for non-native groundcover species. A majority of the bottom of the ravine is covered with leave litter (mulch) to reduce weed growth, although there were some areas of bare ground.

I spoke with one of the landscape maintenance personnel who had worked on the subject property for over 10 years. He indicated much of the soil in the ravine had been augmented with organic compost and sand to enhance plant growth. He also indicated there was an irrigation system along both sides of the ravine that is active throughout the late spring to late fall when there was insufficient precipitation to maintain healthy plants.

Based on my observations and the information regarding the extent of "manipulation" within the ravine any wetland evaluation would have to be conducted using the "Atypical Situations" protocol defined in the 1987 US Army Corps of Engineers Wetland Delineation Manual and the accompanying Supplement for Western Mountains, Valleys, and Coast Region. The protocol are also defined in the 1997 Washington Department of Ecology Wetland Identification and Delineation Manual.

When I visited the site on March 28, 2013 there were no wetland indicators present. I walked through the ravine on the Coval property and did not see what was noted by the Watershed Company south of the interior pathway. The following information is relevant:

- During the 14 days prior to my site visit the observed precipitation at the SeaTac weather station totaled 1.46".
- Normal precipitation total for that time period is reported by the National Oceanographic and Atmospheric Agency (NOAA) to be 1.66".
- The observed precipitation was 88% of normal. Precipitation amounts between 70% and 130% of normal are defined as "normal conditions".

The Watershed Company conducted their site review on April 15, 2013 and reported standing water in the area upslope (south) of the interior pathway.

- During the 14 days prior to my site visit the observed precipitation at the SeaTac weather station totaled 4.54".
- Normal precipitation total for that time period is reported by the National Oceanographic and Atmospheric Agency (NOAA) to be 1.41".
- The observed precipitation was 322% of normal. Precipitation amounts less than 70% or greater than 130% of normal are not within the range defined as "normal conditions".

I visited the site on April 22, 2013 to review the information provided by the Watershed Company. I reviewed the potential wetland area noted in their report and found saturated soil, but did not observed inundation. I excavated a soil pit in the bottom of the ravine approximately 50 feet south of the interior pathway. There was standing water in the pit even with the ground surface.

- During the 14 days prior to my site visit the observed precipitation at the SeaTac weather station totaled 2.60".
- Normal precipitation total for that time period is reported by the National Oceanographic and Atmospheric Agency (NOAA) to be 1.29".
- The observed precipitation was 201.5% of normal. Precipitation amounts less than 70% or greater than 130% of normal are not within the range defined as "normal conditions".

I returned to the site on April 26, 2013 to continue my investigation of the potential wetland reported by the Watershed Company. I was looking for evidence of hydrophytic vegetation, hydric soils, and wetland hydrology. My findings are presented below:

TPN:1224049010
 PARCEL AREA:
 ±221,883 SQ. FT.
 5.09 ACRES

Soil Pit #1
 668.63' 30'-40' WIDE LAUREL HEDGE

Soil Pit #2
 IE=227.69'

Soil Pit #3
 46' COT

Soil Pit #4
 44' COT

Soil Pit #5
 38' COT

Other Features:
 GARAGE, CARPORT, SHED, TENNIS COURT, DIRT ROAD, POND, BOTTOM OF WATERFALL, 3501 84TH 2 STORY FRAME, SWALE, CULVERT IE 12" CPP S = 238.30', 4" PVC FROM NE EL = 241.14', TBM 'B' EL = 230.47', 6" YEW, 10" A, 10" M, 10" B, 12" D, 14" B, 14" D, 16" D, 18" D, 20" SEQ, 22" SEQ, 24" MA, 26" SEQ, 30" MA, 32" D, 34" SEQ, 36" F, 38" COT, 40" D, 42" D, 44" COT, 46" COT, 48" COT, 50" D, 52" D, 54" D, 56" D, 58" D, 60" D, 62" D, 64" D, 66" D, 68" D, 70" D, 72" D, 74" D, 76" D, 78" D, 80" D, 82" D, 84" D, 86" D, 88" D, 90" D, 92" D, 94" D, 96" D, 98" D, 100" D, 102" D, 104" D, 106" D, 108" D, 110" D, 112" D, 114" D, 116" D, 118" D, 120" D, 122" D, 124" D, 126" D, 128" D, 130" D, 132" D, 134" D, 136" D, 138" D, 140" D, 142" D, 144" D, 146" D, 148" D, 150" D, 152" D, 154" D, 156" D, 158" D, 160" D, 162" D, 164" D, 166" D, 168" D, 170" D, 172" D, 174" D, 176" D, 178" D, 180" D, 182" D, 184" D, 186" D, 188" D, 190" D, 192" D, 194" D, 196" D, 198" D, 200" D, 202" D, 204" D, 206" D, 208" D, 210" D, 212" D, 214" D, 216" D, 218" D, 220" D, 222" D, 224" D, 226" D, 228" D, 230" D, 232" D, 234" D, 236" D, 238" D, 240" D, 242" D, 244" D, 246" D, 248" D, 250" D, 252" D, 254" D, 256" D, 258" D, 260" D, 262" D, 264" D, 266" D, 268" D, 270" D, 272" D, 274" D, 276" D, 278" D, 280" D, 282" D, 284" D, 286" D, 288" D, 290" D, 292" D, 294" D, 296" D, 298" D, 300" D, 302" D, 304" D, 306" D, 308" D, 310" D, 312" D, 314" D, 316" D, 318" D, 320" D, 322" D, 324" D, 326" D, 328" D, 330" D, 332" D, 334" D, 336" D, 338" D, 340" D, 342" D, 344" D, 346" D, 348" D, 350" D, 352" D, 354" D, 356" D, 358" D, 360" D, 362" D, 364" D, 366" D, 368" D, 370" D, 372" D, 374" D, 376" D, 378" D, 380" D, 382" D, 384" D, 386" D, 388" D, 390" D, 392" D, 394" D, 396" D, 398" D, 400" D, 402" D, 404" D, 406" D, 408" D, 410" D, 412" D, 414" D, 416" D, 418" D, 420" D, 422" D, 424" D, 426" D, 428" D, 430" D, 432" D, 434" D, 436" D, 438" D, 440" D, 442" D, 444" D, 446" D, 448" D, 450" D, 452" D, 454" D, 456" D, 458" D, 460" D, 462" D, 464" D, 466" D, 468" D, 470" D, 472" D, 474" D, 476" D, 478" D, 480" D, 482" D, 484" D, 486" D, 488" D, 490" D, 492" D, 494" D, 496" D, 498" D, 500" D, 502" D, 504" D, 506" D, 508" D, 510" D, 512" D, 514" D, 516" D, 518" D, 520" D, 522" D, 524" D, 526" D, 528" D, 530" D, 532" D, 534" D, 536" D, 538" D, 540" D, 542" D, 544" D, 546" D, 548" D, 550" D, 552" D, 554" D, 556" D, 558" D, 560" D, 562" D, 564" D, 566" D, 568" D, 570" D, 572" D, 574" D, 576" D, 578" D, 580" D, 582" D, 584" D, 586" D, 588" D, 590" D, 592" D, 594" D, 596" D, 598" D, 600" D, 602" D, 604" D, 606" D, 608" D, 610" D, 612" D, 614" D, 616" D, 618" D, 620" D, 622" D, 624" D, 626" D, 628" D, 630" D, 632" D, 634" D, 636" D, 638" D, 640" D, 642" D, 644" D, 646" D, 648" D, 650" D, 652" D, 654" D, 656" D, 658" D, 660" D, 662" D, 664" D, 666" D, 668" D, 670" D, 672" D, 674" D, 676" D, 678" D, 680" D, 682" D, 684" D, 686" D, 688" D, 690" D, 692" D, 694" D, 696" D, 698" D, 700" D, 702" D, 704" D, 706" D, 708" D, 710" D, 712" D, 714" D, 716" D, 718" D, 720" D, 722" D, 724" D, 726" D, 728" D, 730" D, 732" D, 734" D, 736" D, 738" D, 740" D, 742" D, 744" D, 746" D, 748" D, 750" D, 752" D, 754" D, 756" D, 758" D, 760" D, 762" D, 764" D, 766" D, 768" D, 770" D, 772" D, 774" D, 776" D, 778" D, 780" D, 782" D, 784" D, 786" D, 788" D, 790" D, 792" D, 794" D, 796" D, 798" D, 800" D, 802" D, 804" D, 806" D, 808" D, 810" D, 812" D, 814" D, 816" D, 818" D, 820" D, 822" D, 824" D, 826" D, 828" D, 830" D, 832" D, 834" D, 836" D, 838" D, 840" D, 842" D, 844" D, 846" D, 848" D, 850" D, 852" D, 854" D, 856" D, 858" D, 860" D, 862" D, 864" D, 866" D, 868" D, 870" D, 872" D, 874" D, 876" D, 878" D, 880" D, 882" D, 884" D, 886" D, 888" D, 890" D, 892" D, 894" D, 896" D, 898" D, 900" D, 902" D, 904" D, 906" D, 908" D, 910" D, 912" D, 914" D, 916" D, 918" D, 920" D, 922" D, 924" D, 926" D, 928" D, 930" D, 932" D, 934" D, 936" D, 938" D, 940" D, 942" D, 944" D, 946" D, 948" D, 950" D, 952" D, 954" D, 956" D, 958" D, 960" D, 962" D, 964" D, 966" D, 968" D, 970" D, 972" D, 974" D, 976" D, 978" D, 980" D, 982" D, 984" D, 986" D, 988" D, 990" D, 992" D, 994" D, 996" D, 998" D, 1000" D

Coval Property – Response to Watershed Company 04/17/13 Memo - Page 4

HYDRIC SOILS: I excavated 4 additional soil pits in the bottom of the ravine (*see Figure 1 above*). Two pits were located north of the interior pathway and two were located to the south.

- Soil Pit #1 was located approximately 15 feet south of the inlet to the drainage pipe under the property immediately north of the Coval property.
- Soil Pit #2 was located approximately 20 feet to 25 feet north of the interior pathway.
- Soil Pit #3 was located approximately 40 feet north of the south property line fence in an area where the Watershed Company reported the presence of sediment deposits.
- Soil Pit #4 was located approximately 85 feet north of the south property line fence. This pit was approximately 10 feet south of one of the two large cottonwood trees.
- Soil Pit #5 was located approximately 45 feet south of the interior pathway in the area noted by the Watershed Company as indicative of a potential wetland due to observed standing water.
- NOTE: The soil in Pit #5 was marginally hydric (10YR 3/1+ from 0" to -8" without mottles and 10YR 4/2 from -8" to -16" without mottles).

WETLAND HYDROLOGY: There was no evidence of wetland hydrology in any of the four pits. There was standing water 8 inches below the ground surface when I excavated Soil Pit #5 on April 26, 2013.

- During the 14 days prior to my site visit the observed precipitation at the SeaTac weather station totaled 2.14".
- Normal precipitation total for that time period is reported by the National Oceanographic and Atmospheric Agency (NOAA) to be 1.21".
- The observed precipitation was 177% of normal. Precipitation amounts less than 70% or greater than 130% of normal are not within the range defined as "normal conditions".
- Wetland hydrology was also problematic because there had been greater than normal precipitation during the 14 days preceding each of the April site visits. Precipitation records from October 1, 2012 (beginning of the Water Year) through April 28, 2013 reported total precipitation as 36.06 inches and normal total precipitation 30.76 inches. For the Water Year to date precipitation was 117% of normal, which is within the parameters for "normal conditions" while precipitation prior to the site visits was above normal precipitation.
- Based on the information I have presented above and the graph on the next page, it is my professional judgment that wetland hydrology is not present during "normal conditions" as required for there to be a wetland identified and delineated. As shown on the graph, the near-surface groundwater recedes as the recorded precipitation approaches normal conditions. The trend in the water level line indicates standing water would be below -12 inches when the precipitation reaches normal conditions.

INSERT GRAPH

CONCLUSION

1. Based on my review of the NOAA SeaTac precipitation records I have concluded the standing water observed by the Watershed Company and my observations of the near-surface groundwater in Soil Pit #5, the requirement for wetland hydrology would not be met during periods of “normal precipitation”.
2. Groundcover vegetation in the bottom of the ravine was limited (sparse) and the majority of the species present were non-native ornamental plants. There were scattered buttercup and dandelion in the ravine, but neither were the dominant species in any location. The dominant shrub species was Indian plum or Osoberry (*Oemleria cerasiformis*), which is not a hydrophytic species. As noted earlier there were two very large cottonwood south of Soil Pit #5, but their size strongly suggests a deep root system not dependent on near-surface hydrology.
3. The soil characteristics in Soil Pit #5 were marginally hydric, but there was no evidence of iron depletion or concentration typically associated with soils exposed to longer periods of inundation or saturation.
4. The area within the ravine is managed along with the rest of the property to maintain a high quality landscaped environment. This landscape management activity has been ongoing since the Coval's have owned the property.
5. The basin hydrology has been significantly altered by residential development south of the Coval property. There is a stormwater detention vault located immediately south of the Coval property that discharges onto the Coval property approximately 35 feet north of the south property line. The vault is designed to retain most precipitation events and discharges during high volume events.

As previously noted, the observed precipitation during the 14 days prior to the Watershed Company site visit was 322% of normal. It is highly probable the detention vault capacity was surpassed several times during that time period. The flow is concentrated by the 12-inch diameter outflow from the vault and the area surround Soil Pit #5 is the first low area where water could concentrate down slope from the outfall.

The lack of discharge from the vault in the days following the Watershed Company's observations, the water percolated into the soil to the level I observed 11 days later.

These factors appear to explain the presence of the “sediment deposits” and “standing water” observed by the Watershed Company.

In conclusion, based on my review of the available information (*published and personal communications*) and my field observations, I have determined there are no regulated wetlands in the ravine or in any other location on the Coval property.

WATERSHED DYNAMICS

Post Office Box 215, Enumclaw, Washington TEL 360.825.9253 FAX 360.825.9248

DATE:	June 11, 2013	HARD COPY SENT:		YES	X	NO
E-MAIL:	atlin@qwestoffice.net	E-MAIL COPY SENT:	X	YES		NO
TRANSMITTAL	PAGES SENT INCLUDING COVER PAGE:		6			
SUBJECT:	June 6, 2013 Site Review					
TO:	Mr. Wes Giesbrecht, President Atlin Investments, Inc.					
FROM:	Larry D. Burnstad, Senior Environmental Consultant					
PROJECT NAME:	Critical Areas Review: Coval Property					
PROJECT NUMBER:	Watershed Dynamics Project No. 2013001					

This memo has been prepared to provide information reaffirming the conclusions presented in my May 2, 2013 memo. That memo documented my responses to concerns raised by the Watershed Company in a April 17, 2013 memo to the City of Mercer Island (City). In my May 2nd memo I stated I did not believe there were any regulated or jurisdictional wetlands within or in close proximity to the Coval property because, under normal circumstances, none of the areas investigated would exhibit all three wetlands characteristics. The three characteristics are:

1. a dominance of hydrophytic plant species,
2. wetland hydrology, defined as inundation or saturation in the upper 12 inches of the soil column for 14 consecutive days during the growing season, and
3. the presence of hydric soils.

The following is offered as in support of and as clarification for the conclusions I presented on May 2, 2013.

1. March 28, 2013: Watershed Dynamics completed an investigation of the potential "watercourse" upstream of, within, and downstream of the Coval property. Included walking through the entire ravine located in the western portion of the subject property. No areas of standing water or saturated soil were observed in the ravine.
2. March 30, 2013: Submitted memo documenting watercourse study methods and findings to Atlin Investment. That memo was submitted to the City of Mercer Island (City) and reviewed by the Watershed Company.
3. April 15, 2013: Watershed Company conducted site review.
4. April 17, 2013: Watershed Company submitted memo to City of Mercer Island (City) that included a request for additional information regarding a potential wetland located in the ravine south of the equipment path.
5. April 22, 2013: Watershed Dynamics walked the entire ravine from south to north looking for evidence of wetland plants and/or saturated/inundated soils. The following items were observed:
 - a. The area in the bottom of the ravine, approximately 2,500 square feet to 2,800 square feet appeared to be regularly maintained.

- b. Maintenance appeared to include soil tilling and “weed” removal. This observation was confirmed during conversations with the lead landscape maintenance person. He also indicated the soil had been amended with compost, sand, and organic soil to improve plant productivity.
- c. The plant community in the section of the ravine south of the pathway was dominated by non-hydrophytic shrub species, mainly Indian plum (*Oemleria cerasiformis*). There were two large black cottonwood (*Populus balsamifera*) located approximately 60 feet south of the path. Black cottonwood can be indicative of wetland habitat, but can also grow in areas with deeper water tables.
- d. The few emergent species observed in this area were dandelion (*Taraxacum officinale*) and buttercup (*Ranunculus* sp.). The former is an indicator of upland habitat and the latter is listed by the U.S. Army Corps of Engineers as a wetland habitat indicator.

NOTE: *Based on my observations over the past 30 years, I consider buttercup a poor wetland indicator because it requires minimal soil moisture, grows in shaded areas that are not wetland habitat, and has been observed growing in the cracks and joints of concrete sidewalks/driveways. When buttercup is the only “wetland” indicator species present, I typically want to see strong indications of hydric soil and wetland hydrology before I define an area as wetland.*

In all but one area of the ravine where I observed buttercup, I did not find wetland hydrology or hydric soils.

- e. I walked the entire ravine and found evidence of wetland hydrology only in the area noted in the Watershed Company memo. I observe standing water and saturated soils in an area approximately 8 to 12 feet wide that extended 40 to 50 feet south of the equipment path.
- f. I excavated a soil pit approximately 40 feet south of the path and observed standing water within 0.5-inches of the ground surface. Under normal circumstances this would have been indicative of wetland hydrology.

NOTE: *Rainfall amounts ranging from 70% to 130% of normal (average) precipitation are considered “normal circumstances” by the U.S. Army Corps of Engineers.*

- g. In addition, the dominant plant observed was Indian plum (*Oemleria cerasiformis*). There were one or two buttercup growing in this area along with a small patch of yellow flag iris (*Iris pseudoacorus*) along the east side of the area. The U.S. Army Corps of Engineers designates:
 - i. Indian plum as an upland habitat indicator.
 - ii. Buttercup as a wetland habitat indicator (*see note above*).
 - iii. Yellow-flag iris as a wetland indicator
 - h. The soil was too wet to conclusively determine if the soil in the sample pit was hydric.
6. April 24, 2013: Watershed Dynamics visited the NOAA internet site to collect SeaTac weather station precipitation data for the 14 day periods prior to March 28th, April 15th, and April 22nd. The following information was collected:
- a. During the 14-day period prior March 28th a total of 1.46” of precipitation (~88% of normal) was measured at the NOAA Weather Station at SeaTac Airport.
 - b. During the 14-day period prior to April 15th a total of 4.54” of precipitation (322% of normal) was recorded.
 - c. During the 14 day period prior to April 22nd a total of 2.60” of precipitation (201.5% of normal) was recorded.
7. April 26, 2013: Watershed Dynamics returned to the site to evaluated near-surface hydrology and the soil characteristics in the previously excavated soil pit.

- a. During the 14 day period prior to April 26th a total of 2.14" of precipitation (177% of normal) was recorded.
8. May 2, 2013: Watershed Dynamics submitted a memo to Atlin Investments, Inc. This report documented the results of the April 22, 2013 and my conclusions with respect to the potential wetland:
 - a. Wetland Hydrology
 - i. The water level in the soil pit had dropped approximately 8 inches during the 4 days between site visits.
 - ii. Precipitation during the 14 days prior to April 26th the precipitation recorded at SeaTac was approaching the "normal range" although still above normal.
 - iii. Based on this information I concluded the requirement for 14 consecutive days of inundation or soil saturation in the upper 12 inches of the soil column under normal circumstances probably would not be met.
 - b. Hydric Soils
 - i. Hydric soil indicators were marginal.
 - ii. Soils in the upper 8 inches were mixed with no distinct horizons.
 - iii. Soil color was 10YR 3/1 to 3.2 with no mottles.
 - iv. Soil texture was sandy loam with evidence of prior soil amendment.
 - c. Hydrophytic Plants
 - i. There were two buttercup within the 450 square foot to 500 square foot area. Buttercup is a poor wetland indicator and, in this case, was not the dominant species.
 - ii. There was a patch of yellow-flag iris on the eastside of the ravine, but it was also not the dominant species. Additionally, yellow-flag iris is a commonly used landscape plant in areas that are shaded and stay moist during most of the growing season.
 - iii. The dominant species was Indian plum, an upland habitat indicator.
 - d. Based on the observations of the three parameters I concluded the area suspected of being a wetland was, in fact, not a wetland because the three parameters were not conclusive indicators of wetland habitat. Although the site has been significantly manipulated, requiring the use of "Atypical Situations" protocol, no single parameter was conclusive enough to warrant delineation of the area as wetland.
 - e. Despite my reservations, I did delineate the area in question so it could be surveyed. The survey determined the potential wetland was 447 square feet in size, which is less than the size of Category IV Wetlands regulated by the City.
9. June 6, 2013: Watershed Dynamics revisited the Coval property specifically to evaluate wetland hydrology in the "potential" wetland.
 - a. During the 14 day period prior to June 6th a total of 0.73 inches of precipitation (91.25% of normal) was recorded. This amount of precipitation would be considered "normal".
 - b. I excavated two soil pits within the area and found no standing water on the ground surface or in the soil pit to a depth of 14" to 16". There was no evidence of seeps and the soil in the pit was not saturated.

In conclusion, I believe my June 6th findings reaffirm the conclusion presented in my May 2, 2013 memo stating there is not a regulated wetland in the area noted in the April 17, 2013 memo from the Watershed Company to the City of Mercer Island. Further, I have concluded there are no regulated or jurisdictional wetlands within or in close proximity to the Coval property.

ENCLOSURE 6

June 17, 2013

Shana Crick
City of Mercer Island
Development Services Group
9611 SE 36th Street
Mercer Island, WA 98040

Re: Coval Property – Follow up to Peer Review of Critical Areas Study

Dear Shana:

This letter presents the findings of a follow up environmental review of a critical area study and new documentation, which was provided in response to my initial review letter, dated April 17, 2013. The following report documents were provided and reviewed for this study of the Coval Property, located at 3051 84th Avenue SE in the City of Mercer Island:

- *Critical Areas Review: Coval Property*, prepared by Watershed Dynamics, dated May 2, 2013.
- *Critical Areas Review: Coval Property*, prepared by Watershed Dynamics, dated June 11, 2013.

Methods

The provided critical areas study addendums were reviewed. Additionally, public-domain information on the subject property was also reviewed for this study. These sources include USDA Natural Resources Conservation Service Soil maps, U.S. Fish and Wildlife Service National Wetland Inventory (NWI) maps, City of Mercer Island GIS maps, and King County's GIS mapping website (iMAP).

I visited the site on June 14, 2013 to review site conditions reported by Watershed Dynamics. On that day I met with you, Larry Burnstad of Watershed Dynamics, Wes Giesbrecht of Atlin Investments, and the project architect, Fred Glick.

Findings

The submitted reports satisfactorily address all remaining critical area issues identified in my April 17, 2013 letter. The three items addressed in this follow up review are as follows:

1. Suspected wetland areas with the ravine were thoroughly evaluated and found to be non-wetland. Additional hydrology data was provided by Watershed

Dynamics, in addition to landscaping and irrigation details. Finally the June 14 site visit revealed a lack of wetland hydrology indicators within sampled soil pits.

2. The on-site pond, which appears on the National Wetland Inventory, was created by the current property owner and is supported by a water pump system. It is lined with rock and not supported by ground water. It is not a jurisdictional wetland. Per MICC 19.16.010, wetlands do not include artificial wetlands, such as landscape amenities.
3. City maps show an off-site Type 3 stream east of the subject property. As mapped, this stream would have a 35-foot buffer that would encumber the subject property. However, I completed a field investigation of the adjacent park property and did not find any jurisdictional streams within 50-feet of the Coval property.

Conclusions

Documentation provided to date is thorough and complete. No critical areas were found on or in the immediate vicinity of the Coval property; therefore, there are no critical areas or encumbering critical area buffers on the subject property.

Please call if you have any questions or if I can provide you with any additional information.

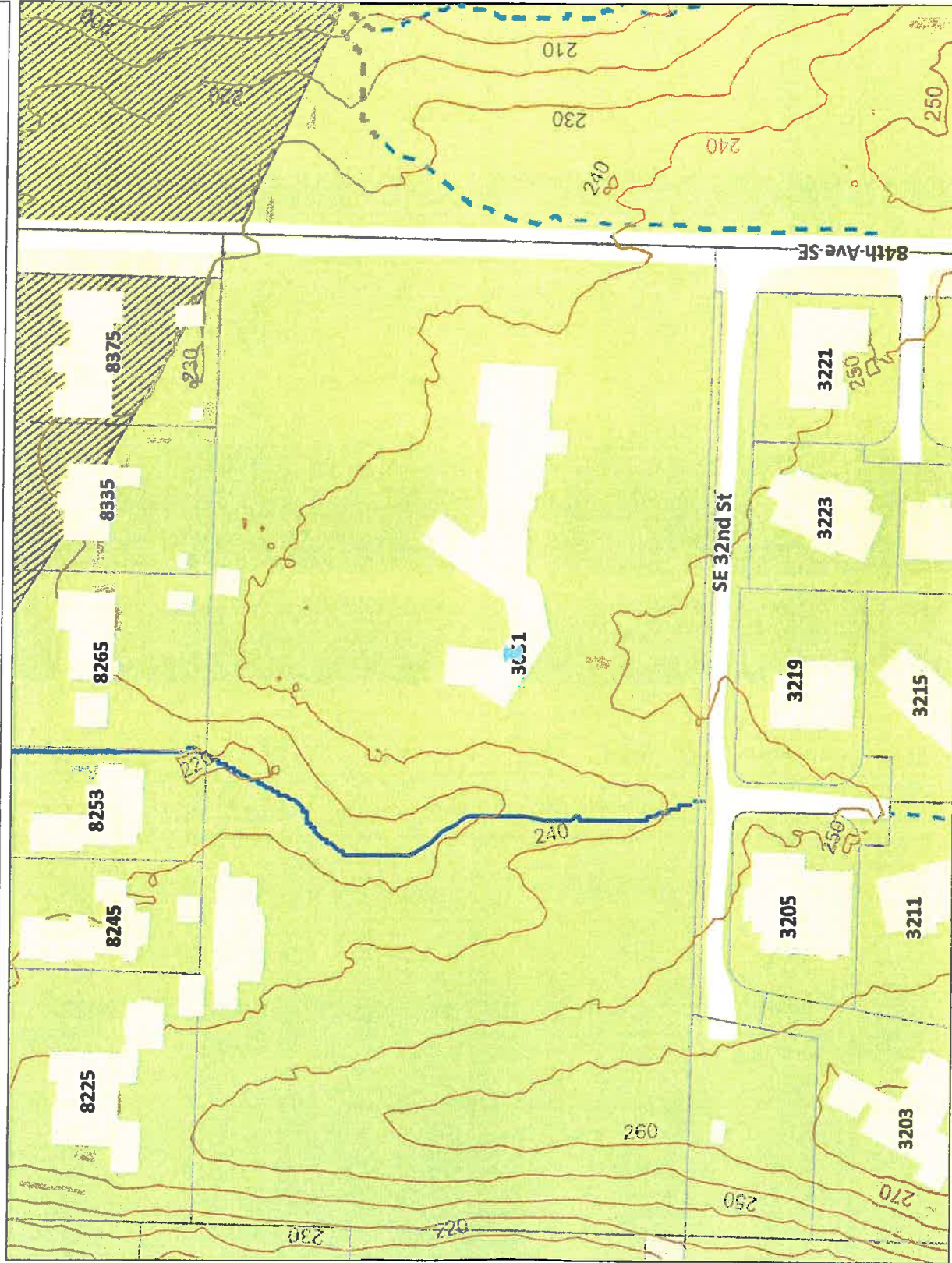
Sincerely,



Nell Lund, PWS
Ecologist

Enclosures

City of Mercer Island



Legend

- Address
- Docks (2007)
- Building
- 10ft Contours (2000)
- Ownership Parcels
- Major Roads
- Bridge
- Paved Road
- Streets
- Watercourse
- 1-Potential Fish Use
- 2-Perennial
- 3-Seasonal
- Right of Way
- Wind Exposure
- Wind Speed-Up
- 1.0
- 1.3
- 1.6
- 1.9
- Potential Slide
- Steep Slope
- Seismic
- Erosion
- Exploration Point
- GeoTech Document

1:1,216

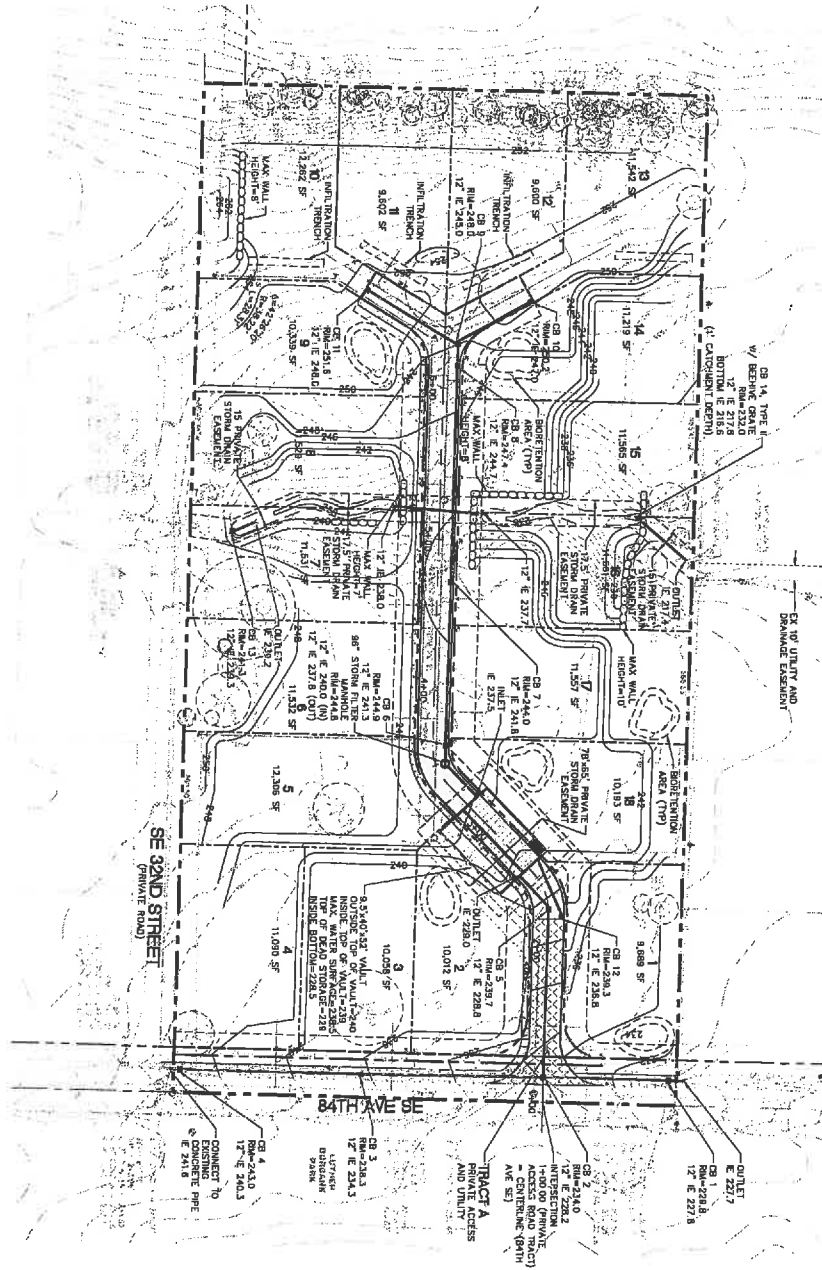
Notes

Coval Property

Disclaimer: These maps were developed by the City of Mercer Island and are intended to be a general purpose digital reference tool. These maps are not an accepted legal instrument for describing, establishing, recording or maintaining descriptions for property concerns or boundaries. The City makes no representation or warranty with respect to the accuracy or currency of these data sets, especially in regard to labeling of surveyed dimensions, or agreement with official sources such as records of survey, or mapped locations of features.



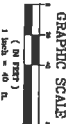
NE 1/4, SEC. 12, TWP. 24 N., RGE. 4 E., W.M.



LEGEND

- PROPERTY LINE
- STORM DRAIN PIPE
- CATCH BASIN TYPE 1
- STORM DRAIN CLEANOUT
- YARD DRAIN
- ROCKERY
- THICK GRADE CONTOUR
- DETENTION WALL
- WALL ACCESS RISER
- STORM/WATER MANHOLE
- DETENTION (APPROX) FOR TREE TO BE RETAINED

TREE LEGEND



NOTES

1. ALL EXISTING DRAIN STRUCTURES AND RETENTION TO BE REMOVED UNLESS OTHERWISE SPECIFICALLY CALCULATED TO BE 18,000 CY (CON), 22,000 CY (FILL), OR 4,000 CY (NET FILL).
2. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.

COVAL PROPERTY
MI 84TH PARTNERSHIP
8059 84TH AVENUE SE
MERCER ISLAND, WA 98040

PRELIMINARY GRADING AND DRAINAGE PLAN

PAC LAND
11711 SE 8th St.
Suite 300
Bellevue, WA 98005
T (425) 453-9301
F (425) 453-9288
www.PACLAND.com



Designed By: SRB
Drawn By: JMA/ANP
Checked By: SRB
Issue Date: 07/26/2013
Project No.: 50335002

No.	Date	By	Revision Description



CITY COUNCIL PLANNING SCHEDULE

All meetings are held in the City Hall Council Chambers unless otherwise noted.
Special Meetings and Study Sessions begin at 6:00 pm. Regular Meetings begin at 7:00 pm.

FEBRUARY 24 – STUDY SESSION: 6-8 PM, REGULAR MEETING: 8 PM

Item Type	Topic/Presenter	Time
<i>Study Session</i> (6:00-8:00 pm)	Transportation and Street Fun Policy and Budget Issues – (Budget – C. Corder) (Complete Streets Policy and Level of Service – P. Yamashita) (Pavement Condition Index Discussion – C. Morris)	120
<i>Consent Calendar</i>	eCityGov Alliance Interlocal Agreement Update – M. Kaser	--
<i>Consent Calendar</i>	Regional Water Conservation Goal – G. Boettcher	--
<i>Public Meeting</i>	Coval Closed Record Public Hearing for a Proposed Eighteen Lot Long Plat (SUB13-009 and SEP13-031) – S. Crick	90
<i>Executive Session</i>	To discuss with legal counsel representing the agency litigation or potential litigation to which the agency is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency pursuant to RCW 42.30.110(1)(i) for approximately 15 minutes	15

MARCH 3

Item Type	Topic/Presenter	Time
<i>Study Session</i>	Joint Study Session with Planning Commission Regarding P-Zone Code Changes - —S. Greenberg	60
<i>Regular Business</i>	Sewer Utility Regulations Code Amendments (2nd Reading & Adoption)—G. Boettcher	60
<i>Regular Business</i>	Code Enforcement Provisions—K. Knight	45

MARCH 17

Item Type	Topic/Presenter	Time
<i>Consent Calendar</i>	Resolution Sponsoring NORCOM's Request to Join the Association of Washington Cities Employee Benefit Trust—C. Corder	--
<i>Regular Business</i>	2015-2020 Capital Improvement Program (CIP) Budget Kick-Off—C. Corder	60
<i>Regular Business</i>	Police Hire Ahead Position—E. Holmes	30

MARCH 31

Item Type	Topic/Presenter	Time
<i>Regular Business</i>	4 th Quarter 2013 Financial Status Report & Budget Adjustments—C. Corder	60
<i>Regular Business</i>	Arts Council 2013 Report and 2014 Work Plan – A. Britton	30

APRIL 21

Item Type	Topic/Presenter	Time
<i>Regular Business</i>	Thrift Shop Renovation/Expansion Project Decision—C. Corder	30
<i>Regular Business</i>	Fire Marshal – C. Tubbs	45
<i>Regular Business</i>	Recreation and Conservation Grant Resolutions (Calkin's Point Restoration, Island Crest South Synthetic Turf, and Luther Burbank Hand Carry Boat Launch projects) – J. Kintner	30

MAY 5		
Item Type	Topic/Presenter	Time
<i>Regular Business</i>	Actuarial Valuation of City's Firemen's Pension Fund & LEOFF I Retiree Medical and Long-Term Care Benefits—L. Tuttle	45

MAY 19		
Item Type	Topic/Presenter	Time
<i>Regular Business</i>	1 st Quarter 2014 Financial Status Report & Budget Adjustments—C. Corder	30
<i>Regular Business</i>	Disposition of 2013 Year-End Revenue Surplus—C. Corder	30
<i>Public Hearing</i>	2015-2020 Transportation Improvement Program Preview & Public Hearing – P. Yamashita	90

JUNE 2		
Item Type	Topic/Presenter	Time
<i>Regular Business</i>	2013 Mercer Island Dashboard Report—C. Corder	60

JUNE 14 – (SATURDAY, 8:30 AM-5:00 PM)		
	2013 Mini-Planning Session (MICEC)	

JUNE 16		
Item Type	Topic/Presenter	Time
<i>Regular Business</i>	2015-2020 Capital Improvement Program (CIP) Budget “Preview”—C. Corder	120
<i>Regular Business</i>	2015-2020 Transportation Improvement Program Adoption – P. Yamashita	45

OTHER ITEMS TO BE SCHEDULED:

2014 Budget Hearings – C. Corder
P Zone Text Amendments – S. Greenberg
Comcast Franchise—K. Knight
Conner Townhomes Long Plat – G. Steirer

COUNCILMEMBER ABSENCES:

Deputy Mayor Grausz: March 31