**COMMUNITY PLANNING & DEVELOPMENT**

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**CRITICAL AREA REVIEW 2**

**SUBMITTAL REQUIREMENTS**

The decision authority for a Critical Area Review 2 is outlined in Mercer Island City Code (MICC) **19.15.030**. The City may authorize the reduction of wetland or watercourse buffer or the alteration of a steep slope, based upon the criteria contained in MICC 19.07. The applicant has the burden of demonstrating compliance with the applicable criteria. For more information about Critical Area Review 2, refer to the Critical Area Review 2 - TIP Sheet on page 2.

**PRE-APPLICATION MEETING**

A pre-application meeting is used to determine whether a land use project is ready for review, to review the land use application process, and to provide an opportunity for initial feedback on a proposed application. Some land use applications require a pre-application – in particular: short and long subdivisions, lot line revisions, shoreline permits, variances, and critical area determinations. The City strongly recommends that all land use applications use the pre-application process to allow for feedback by City staff.

For more information on the Pre-Application Meeting process, please refer to the **Pre-Application Meeting Request Form**.

**SUBMITTAL REQUIREMENTS**

In addition to the items listed below, the code official may require the submission of any documentation reasonably necessary for review and approval of the land use application. An applicant for a land use approval and/or development proposal has the burden of demonstrating that the proposed development complies with the applicable regulations and decision criteria.

1. **Completed pre-application.**
2. **Development Application Coversheet.** Application form must be fully filled out and signed.
3. **Project Narrative.** The project narrative should describe the proposed development, including any anticipated future phases, and briefly describe how the project complies with applicable criteria.
4. **Title Report.** Less than 30 days old.
5. **Development Plan Set.** Refer to the **Land Use Application - Plan Set Guide** in preparing plans.
6. **Critical Areas Study.** A critical area study prepared by a qualified professional. Refer to the Critical Area Review 2 – TIP Sheet on page 2.
7. **Arborist Report.** Arborist reports prepared by a qualified arborist.
8. **SEPA Checklist.** A SEPA checklist is required, unless the project is categorically exempt. Consult with the **Department of Ecology Permit Assistance Center** to obtain statewide environmental permit information, to determine whether the project needs modification, and which environmental permits are required for the proposed activity.
9. **Fees.** Payment of required fees.
10. **Bond Quantity Work Sheet.** A completed Critical Areas Mitigation Bond Quantity Worksheet, which can be found on the King County website on its permit application forms and handouts page, by title.
CRITICAL AREA REVIEW 2 – TIP SHEET

A Critical Area Review 2 is a type of land use approval that allows one or more of the following actions:

1. Review and approval of proposed averaging and reduction of wetland and watercourse buffers (MICC 19.07.190(C)).
2. Other proposed impacts to critical areas that are neither exempt pursuant to MICC 19.07.120 nor Modifications pursuant to MICC 19.07.130.

Critical Area Review 2 approvals are available to provide flexibility for development on properties constrained by wetlands, watercourses, or geologically hazardous areas.

APPLICATION AND REVIEW PROCESS

Critical Area Review 2 approvals are typically reviewed and approved prior to a building permit. They do not authorize any construction themselves, but rather review the potential impacts to a critical area and ensure that the City’s critical areas code is being met.

The aim of the review for buffer averaging and buffer reduction is to verify that the proposal will not cause any loss of ecological function. Ecological functions include, but are not limited to, hydrology, habitat, and water quality. A critical areas study prepared by a qualified professional (e.g. wetland biologist or geotechnical engineer), demonstrating how this standard is met, is the core of the review. Please see MICC 19.07.110 for full details.

Critical Area Review 2 approvals are a Type III land use review type as outlined in Table B. Review Processing Procedures under MICC 19.15.030:

1. Preapplication meeting required
2. Letter of Completion (within 28 days)
3. Notice of Application (mailing and posting)
4. Public Comment Period – 30 days
5. Notice of Decision – Code Official
6. Appeal Authority – Hearing Examiner

No public hearing (open record pre-decision) is required to obtain approval.

TIPS FOR A SUCCESSFUL PROCESS

Project Manager: Have a project manager that understands the project review and permitting process, can coordinate with consultants from different disciplines (e.g. civil engineer, arborist etc.), and that will serve as a single point of contact during the review process.

Pre-Application Meetings: A pre-application meeting is required prior to submittal of an application of a Critical Area Review 2 approval. Additional pre-application meetings are helpful when a project idea is still being finalized or your team has any outstanding questions on code requirements. In pre-application meetings, you can submit questions ahead of time and receive written answers, together with preliminary review comments on materials submitted. The pre-application form is located on the Land Use Forms page.

Timing of Building Permit Application: The City recommends that applicants obtain approval of a Critical Area Review 2 prior to applying for building permits, as it is possible that the Critical Area Review 2 review process may change the ultimate design of the proposal. A review takes approximately 3-6 months from the date of application but may be longer or shorter depending on the complexity of the project and the quality and thoroughness of submittal materials. Decisions are issued by staff, and may be approvals, approvals with conditions, or denials.

Decision and Appeal Period: Staff will issue a decision once sufficient information is provided to document that the project will not cause any loss of ecological function. Decisions are normally issued on Monday to allow for proper notice to the public. There will be a 14-day appeal period after the final decision is issued.

FURTHER INFORMATION

Contact the Customer Service team at (206) 275-7605 to request to speak to a planner. See the definitions section of the Mercer Island City Code for more information regarding terminology used.