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## COMMUNITY PLANNING AND DEVELOPMENT

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### CRITICAL AREAS TIP SHEET

*Critical Areas* is a term used to describe types of lands that are designated for special protection. Critical areas found on Mercer Island include [wetlands](#), [watercourses](#), [geologically hazardous areas](#), and [fish and wildlife habitat conservation areas](#). Some of these critical areas are required to have buffers, which are areas adjoining a critical area intended to protect it from degradation.

City codes limit the development that can occur in and around critical areas; therefore, **prior to designing new development** it is important to:

1. Understand what type(s) of critical areas are on a given property; and
2. Understand where critical areas are located.

#### WHY DOES THE CITY HAVE CODE STANDARDS TO PROTECT CRITICAL AREAS?

Cities are required by state law (RCW 36.70A) to adopt regulations protecting critical areas. The City's critical area codes, located in Mercer Island City Code (MICC) Chapter [19.07](#), fulfill this state requirement. Critical area protection also provides benefits to the community, including:

1. Increased protection of life and property from risks associated with critical areas;
2. Fish and wildlife habitat value;
3. Benefits from the ecological functions of critical areas, such as water purification.

#### HOW DO I DETERMINE IF I HAVE CRITICAL AREAS ON MY PROPERTY?

There are multiple sources of information that can be used to help determine whether a given property contains critical areas. These information sources will indicate whether there are known or potential critical areas on a property. To find out property-specific information (like the precise type and location of critical areas), a critical areas study prepared by a qualified professional is typically needed. Information sources to help screen a property include:

- **Information available through the City's GIS:** Mapped critical area information is available online through the [City of Mercer Island homepage](#), in the Services drop down on the top of the screen, select Map Portal. Critical area information is available under Operational Layers > Environment. The data used in this mapping tool is obtained via historic maps, remote sensing, and other techniques to obtain information on a landscape level. This information can be useful for identifying generally where critical areas are, but it is not intended to be used for finding the precise field location of critical areas on a property-by-property basis;
- **Past land use approvals:** If critical area information or studies have been submitted to the City for a previous permit or approval, this information may be in the City's archives. These can be obtained via the following methods:

1. **City GIS:**

- Navigate to the City of Mercer Island Map Portal, described in the first bullet;
- Locate the subject property by clicking "Search for an Address", entering an address, and clicking "Search";
- Click the "Layers" tab;
- To obtain past land use reviews:
  - Expand "Operational Layers" and "Property"
  - Select the "Land Use" layer
  - In the ribbon at the top of the page, select "Point Identify" under the "Getting Around" tab and click on the subject property
  - View past land use reviews listed within "Land Use" under the results on the lefthand side of the screen.

2. **Public Records Request:** Go to <https://mercerisland.nextrequest.com/> and submit your request via the online form. Please include as much detail as possible about the records you are looking for. City staff will follow up with either the requested records or an estimated time by which the records will be available.

- **Notice on Title:** Some properties will have a notice on their title reports, flagging the presence of a critical area. Consult the title report for the given property and notices regarding critical areas.

A planner can help you navigate the City's GIS and Public Records Request process. Planners are also available on the general planning line to answer questions about the City's code standards for critical areas. The planners can be reached at 206-275-7605. Phone and counter conversations with the on-call planner are generally intended to take 15 minutes or less. If more time is needed, applying for a pre-application meeting may be recommended.

If any of the methods listed above indicate that there are critical areas on site or in the vicinity, **have a qualified professional review the site**. A qualified professional is a person who performs studies and develops plans on critical areas. They must have an educational background and/or relevant experience in the field.

Ensure that any qualified professional you hire has reviewed the City's requirements for a Critical Area Study, listed in [MICC 19.07.110](#). These requirements include information such as the delineation (location) of critical areas, a description of impacts to the functions of critical areas, and proposed mitigation.

The City is not able to recommend specific firms or persons to conduct critical area studies, however note that King County maintains a list of preferred consultants, available at: <https://kingcounty.gov/depts/local-services/permits/permits-inspections.aspx>.

Note that applicants are required to disclose the presence of critical areas and associated buffers.

### WHAT DOES IT MEAN IF I HAVE CRITICAL AREAS ON MY PROPERTY?

Depending on the type and extent of development proposed, the proposal might:

- Be exempt from needing a permit. An example of exempt work would be the removal of noxious weeds from an area less than 1,000 sq ft. A full list of exempt activities is in [MICC 19.07.120](#).
- Require approval of a Critical Area Review 1. An example of work that would require a Critical Area Review 1 would be an addition of 200 sq ft or less within a critical area or buffer to an existing house. A full list of allowed activities is in [MICC 19.07.130](#).
- Require approval of a Critical Area Review 2, which is needed when development is neither exempt nor approvable under a Critical Area Review 1, for example when buffer averaging is sought.

For more information on critical areas reviews, see the Tip Sheets attached to the [Critical Area Review 1](#) and [Critical Area Review 2](#).

When development is proposed on a property containing only geologically hazardous areas, applicants have the option of consolidating the review of impacts to these areas with a construction permit.

Any time development is proposed on a property with critical areas, it is important to avoid, minimize, then mitigate possible impacts. For example, if a given property contains a wetland, development should be designed to be outside of the wetland and associated buffer to the extent possible. If it is not possible to completely avoid impacting the wetland and buffer, then the development should minimize its impact. Any impacts that cannot be avoided must be mitigated.

In the event a property is entirely constrained with critical areas and/or buffers, a [Reasonable Use Exception](#) may be required. Please see [MICC 19.07.140](#) for code requirements.