



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

**AB 4983
July 7, 2014
Consent Calendar**

**SET PUBLIC MEETING DATE FOR THE COVAL
LONG PLAT (SUB13-009)**

Proposed Council Action:
Set public meeting date of July 21, 2014

DEPARTMENT OF	Development Services Group (Shana Crick)
COUNCIL LIAISON	n/a
EXHIBITS	1. Planning Commission's Recommendation
APPROVED BY CITY MANAGER	

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

SUMMARY

Subdivision Legal Requirements

The Mercer Island City Council sets the public meeting date for proposed long plats to be heard before the City Council. Staff proposes setting July 21, 2014 for the Coval Long Plat public meeting.

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 in Chapter 58.17 RCW. In the case of a long subdivision or long plat (the division of land into five or more lots) the Mercer Island Planning Commission reviews the proposal at an open record hearing and makes a written recommendation to the City Council.

Background

The Coval Long Plat site is located at 3051 84th Ave SE (King County Tax Parcel No. 122404-9010) and currently contains one existing single-family residence. The proposed 16 lot long plat would contain a private dead-end road, serving lots with areas ranging from 9,649 square feet to 16,159 square feet.

On January 15, 2014, the City of Mercer Island Planning Commission conducted an open record public hearing, which was continued to January 29, 2014. The Planning Commission's recommendation was to approve the "preliminary plat" (which is a graphic and written representation of the proposed subdivision) with conditions. On February 24, 2014, the City Council voted to reject the Planning Commission's recommendation. The City Council issued Findings of Fact and Conclusions of Law on April 21, 2014 that remanded the plat back to the Planning Commission for additional facts or findings.

In addressing the Council's concerns, the applicant submitted a revised long plat on May 22, 2014. On June 18, 2014, the Planning Commission reopened the open record public hearing, conducted additional fact finding, and voted unanimously to recommend approval of the revised preliminary plat. (Exhibit 1)

Current Action

MICC 19.08.020(F)(3)(c) requires that upon receipt of the Planning Commission's recommendation, the City Council shall set the date for the public meeting where it will consider and either adopt or reject the Planning Commission's recommendations. Since subdivision decisions are quasi-judicial in nature, Council questions or discussion concerning the merits of the application and the Planning Commission recommendation must wait until the public meeting. The public meeting in front of the City Council is a closed record hearing, and new information cannot be added to the record during the hearing.

If City Council approves the preliminary plat, the applicant 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 applicant 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.

RECOMMENDATION

Senior Planner

MOVE TO: Set the public meeting date for the proposed Coval Long Plat to July 21, 2014.



CITY OF MERCER ISLAND PLANNING COMMISSION FINDINGS OF FACT AND CONCLUSIONS OF LAW

Project Number:	SUB13-009 – Coval Long Plat
Description:	A request for preliminary long plat approval to subdivide one existing parcel into sixteen building (16) lots and one open space and utilities tract. The proposed sixteen lot long plat would contain a private dead-end road, serving lots with areas ranging from 9,649 square feet to 16,159 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:	The Planning Commission recommends that the City Council grant preliminary long plat 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 (original 18 lot design) 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 Design1.8. 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
161. Coval Long Plat Resubmittal Letter from Scott Borgeson to Shana Crick received by the City of Mercer Island Development Services Group on May 22, 2014
162. Revised Preliminary Long Plat received by the City of Mercer Island Development Services Group on June 3, 2014, including:
 - Sheet CV-01 – *Cover Sheet/Preliminary Plat Map*
 - Sheet SV-1 – *Boundary and Topographic Survey*
 - Sheet C-1.0 – *Phase 1 Grading and Drainage Plan*
 - Sheet C-1.1 – *Preliminary Road Profiles and Sections*
 - Sheet C-2.0 – *Preliminary Utility Plan*
 - Sheet L-1.0 – *Tree Assessment Plan*
 - Sheet L-2.0 – *Phase 1 Tree Implementation Plan*
163. Level 2 Downstream Analysis prepared by PacLand and received by the City of Mercer Island Development Services Group on June 3, 2014
164. Transportation Impact Study prepared by Transportation Engineering NorthWest and received by the City of Mercer Island Development Services Group on May 22, 2014
165. Updated Slope Stability Analysis prepared by Terra Associates and received by the City of Mercer Island Development Services Group on May 23, 2014
166. Public Notice of Open Record Hearing issued for the reopened public hearing by the City of Mercer Island on May 27, 2014
167. Email from Don Cole to Michele Lorilla dated May 30, 2014
168. Email from Michele Lorilla to Don Cole and Shana Crick dated June 2, 2014
169. Email from Don Cole to Michele Lorilla dated June 3, 2014
170. Comment letter and site plan from Robert W. Thorpe to the City of Mercer Island received by the Development Services Group on April 18, 2014 and requested to be included in the record on April 22, 2014
171. Comment letter from J. Richard Aramburu to the City of Mercer Island received by the Development Services Group on April 21, 2014
172. Comment email from Katharine Lamperti to the City of Mercer Island received by the Development Services Group on May 3, 2014
173. Comment email from J. Richard Aramburu to the City of Mercer Island received by the Development Services Group on May 20, 2014
174. Email from Sue Stewart to Shana Crick received by the Development Services Group on May 21, 2014
175. Email from George Steirer to Sue Stewart dated May 22, 2014
176. Email from Sue Stewart to Shana Crick received by the Development

- Services Group on May 27, 2014
177. Email from Sue Stewart to Shana Crick received by the Development Services Group on May 27, 2014
 178. Email from Shana Crick to Coval Parties of Record dated May 27, 2014
 179. Email from Shana Crick to Coval Parties of Record dated May 27, 2014
 180. Email from Richard Ferse to Wes Giesbrecht dated May 30, 2014
 181. Email from Shana Crick to Coval Parties of Record dated June 4, 2014
 182. Email from Shana Crick to J. Richard Aramburu dated June 4, 2014
 183. Email from Shana Crick to Coval Parties of Record dated June 5, 2014
 184. Comment email and letter from J. Richard Aramburu to the City of Mercer Island received by the Development Services Group on June 5, 2014
 185. Email from Shana Crick to Carol Cohoe dated June 5, 2014
 186. Findings of Fact and Conclusions of Law issued by the City Council on April 21, 2014
 187. Partial Release of Easement received by the City of Mercer Island Development Services Group on May 29, 2014
 188. Notice of a Neighborhood Information Meeting held by MI 84th Limited Partnership on May 28, 2014
 189. Comment email from J. Richard Aramburu to the City of Mercer Island received by the Development Services Group on June 11, 2014
 190. Email from Shana Crick to Joni Dannis dated April 28, 2014
 191. Comment email from Charles Cobbs, M.D. to the City of Mercer Island received by the Development Services Group on June 11, 2014
 192. Comment email from Hardie Cobbs to the City of Mercer Island received by the Development Services Group on June 12, 2014
 193. Comment email from Tim (T.J.) Stewart to the City of Mercer Island received by the Development Services Group on June 14, 2014
 194. Comment email from Monique Liard to the City of Mercer Island received by the Development Services Group on June 15, 2014
 195. Comment email from Richard and Deborah Ferse to the City of Mercer Island received by the Development Services Group on June 15, 2014
 196. Comment email from Toni Okada to the City of Mercer Island received by the Development Services Group on June 17, 2014
 197. Comment email from Mrs. Neil Thomson to the City of Mercer Island received by the Development Services Group on June 17, 2014
 198. Comment email and letter from Kathy McLemore for J. Richard Aramburu to the City of Mercer Island received by the Development Services Group on June 17, 2014
 199. Comment email from Sue Stewart to the City of Mercer Island received by the Development Services Group on June 17, 2014
 200. Email from Kathy McLemore for J. Richard Aramburu to the City of Mercer Island including an Arborist Report and Addendum Report prepared by Tina Cohen, Certified Arborist received by the Development Services Group on June 17, 2014
 201. Email from Shana Crick to the City of Kathy McLemore dated June 17, 2014
 202. Comment email from Diane Edmonds to the City of Mercer Island received by the Development Services Group on June 17, 2014
 203. Email from Wes Giesbrecht to J. Richard Aramburu dated June 17, 2014
 204. Comment email from Cameron Ackley to the City of Mercer Island received by the Development Services Group on June 17, 2014
 205. Comment email from Cheryl Frizzell to the City of Mercer Island received by the Development Services Group on June 17, 2014
 206. Comment email from Bharat Shyam to the City of Mercer Island received by

- the Development Services Group on June 17, 2014
207. Comment email from Justin Deng to the City of Mercer Island received by the Development Services Group on June 18, 2014
 208. Email from Patrick Yamashita to Shana Crick dated June 18, 2014
 209. Level 2 Downstream Analysis prepared by PacLand and received by the City of Mercer Island Development Services Group on June 18, 2014
 210. Comment email and letter from Bruce Leamon to the City of Mercer Island received by the Development Services Group on June 18, 2014
 211. Comment email from Lisa Zaidi, Ph.D. to the City of Mercer Island received by the Development Services Group on June 18, 2014
 212. Letter from Jay P. Derr to the Planning Commission dated June 18, 2014 and received during the June 18, 2014 Public Hearing (reopened)
 213. Comment letter from Ira Appelman dated June 17, 2014 and received during the June 18, 2014 Public Hearing (reopened)
 214. Coval Plat Landscape Concept Plan prepared by Fred Glick of Fred Glick Design, P.L.L.C. and presented during the June 18, 2014 Public Hearing (reopened)

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 to the City Council. The City Council “may adopt or reject the planning commission’s recommendations” [MICC 19.08.020(F)(3)(c)].

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, as shown in Exhibit 162, would divide the subject property into sixteen residential building lots. The following analysis evaluates the consistency of the proposed long subdivision with requirements of the Mercer Island City Code and the City Council’s Findings of Fact and Conclusions of Law issued on April 21, 2014 (Exhibit 186).

II. FINDINGS OF FACT

The City Council issued Findings of Fact and Conclusions of Law on April 21, 2014, which rejected the Planning Commission’s recommendation to approve the Coval long plat. The applicant submitted a revised plat to address the Council’s concerns put forth in the Findings of Fact and Conclusions of Law. The following is an analysis of how the revised plat addresses the City Council’s conclusions:

1. As proposed, the lot dimensions and areas of the Coval Long Plat would either meet or exceed the minimum requirements. The proposed density would be consistent with the existing Mercer Island Comprehensive Plan and Title 19 of the City Code, thus allowing for the development of 18 lots.

Planning Commission Analysis:

The proposed plat, which has been revised to 16 lots, will continue to meet or exceed minimum requirements. All proposed lots will have a net lot area of at least 9,600 square feet, a minimum width of 75 feet, and a minimum depth of 80 feet for the R-9.6 zone (Exhibit 162). The proposed density remains consistent with the existing Mercer Island Comprehensive Plan and Title 19 of the City Code.

2. The existing swale on the subject property does not meet the definition of "watercourse" within MICC 19.16.010 and is not regulated as such.

Planning Commission Analysis:

The swale on the subject property will not be regulated as a watercourse.

3. The proposed plat does not make adequate provisions for open spaces, drainage ways, safety, streets, roads, tree protection, and safe walking conditions for students who walk to and from school, as required by MICC 19.08.020(F)(1)(a).

Planning Commission Analysis:

The Findings of Fact and Conclusions of Law adopted by the City Council (Exhibit 186) found that adequate provisions for open spaces, drainage ways, safety, streets, roads, tree protection, and safe walking conditions for students who walk to and from school, as required by MICC 19.08.020(F)(1)(a), had not been made for the following reasons (Planning Commission comments are below each identified deficiency):

- a. *There are no open spaces set aside within the plat.*

Within the revised plat, the applicant is proposing an open space tract (Tract B). In addition to providing open space for the plat, the existing koi pond will be relocated to Tract B so that it may be retained.

- b. *Drainage ways, as the grading plan assumes filling in of some drainage ways and tight lining of Lots 10, 11 and 12, could have downstream impacts that are not sufficiently determined. There is not enough information available to determine whether appropriate provisions have been made for proposed drainage ways*

The applicant has submitted a Level 2 Downstream Analysis (Exhibit 163) that further evaluates the sufficiency of the proposed stormwater conveyance system. The report finds that, as conditioned, the system will provide adequate capacity.

- c. *Appropriate provisions have not been made for safety, streets, or roads, as the proposed internal roadway does not service all lots, thus causing need for additional private driveways onto 84th Avenue SE.*

The applicant has revised the plat configuration, as shown in Exhibit 162. The revised plat provides for access off of the internal roadway for all 16 proposed lots.

- d. *During the February 24, 2014 closed record hearing, a finding was suggested that appropriate provisions had not been made for other planning features that assure safe walking conditions for students, as it was stipulated that the internal road does not include sidewalks or a walking area. Nevertheless, sidewalks and a pedestrian easement were found to be included in the plat submittals, providing for adequate internal pedestrian access. However, the pathways did not extend onto 84th Avenue SE – only a gravel shoulder was required for parking along 84th Avenue*

SE. Therefore, adequate provisions for safe walking conditions for students who walk to and from school had not been proposed along 84th Avenue SE adjacent to the plat.

The pedestrian walkways are included in the revised plat configuration shown in Exhibit 162. Therefore, internal pedestrian access will still be provided. As discussed in detail below, the proposed internal sidewalks will connect to a gravel shoulder along 84th Avenue SE. While the applicant will not be providing a sidewalk along 84th Avenue SE, they are contributing \$50,000 to assist with the construction of a walkway included within the City's 6 year TIP.

- e. Per MICC 19.10.040(B)(2), adequate provisions have not been made within the plat to protect trees on the property. Trees to be saved on site would be better served by tree conservation easements, or by designated common areas that are not controlled by individual lot owners. See MICC 19.10.040(B)(2).*

The applicant has moved building pads off of the steep slope along the western property line, which would preserve more trees. NGPAs adjacent to the drainage easement result in the preservation of additional trees. Furthermore, the Planning Commission is recommending as conditions of preliminary approval that notes be placed on the final plat restricting tree removal by eventual homeowners and requiring the design of houses be mindful of the trees on the lot.

- 4. Public interest will not be served by approval of the proposed plat.

Planning Commission Analysis:

The City Council's Findings of Facts and Conclusions of Law (Exhibit 186) stated that public interest would not be served because adequate provisions for open spaces, drainage ways, safety, streets, roads, tree protection, and safe walking conditions for students who walk to and from school, as required by MICC 19.08.020(F)(1)(a), had not been made. As discussed above, these issues have been addressed in the revised plat (Exhibit 162). Consequently, the public interest will be served by approval of the proposed plat.

- 5. By proposing a gravel shoulder on 84th Avenue SE, the proposed plat is not consistent with the City's Pedestrian and Bicycle Facility Plan.

Planning Commission Analysis:

The applicant is amenable to constructing an asphalt shoulder, if required. However, both the City Engineer and the applicant prefer a gravel shoulder, as an asphalt shoulder increases the volume of stormwater runoff and also makes the roadway feel wider, often resulting in faster driving. Therefore, the applicant, at the direction of the City Engineer, is proposing to construct an 8.5-foot wide gravel shoulder. Additionally, the applicant will provide \$50,000 to the City for construction of a pedestrian path.

- 6. The applicant has not provided sufficient financial or other assurances in the event of unexpected adverse stormwater impacts.

Planning Commission Analysis:

The applicant has provided a Level 2 Downstream Analysis (Exhibit 163) to attest to the sufficiency of the downstream stormwater system. The report concludes that the downstream "stormwater conveyance system has sufficient capacity to convey the proposed undetained 100-year flows." This was a conservative analysis since the stormwater runoff from the site will actually be detained while the analysis assumes undetained flows. The analysis recommended the following maintenance be performed in some downstream locations to improve the function of the system

- 1. *Remove debris that has collected at the outlet side of the SE 29th Street culvert and at culvert 7-301.*
- 2. *Remove any debris in the roadside ditch and that may be located within the pipes.*

3. *Re-grade a portion of the ditch to enhance capacity and reduce the risk of further clogging of culvert 7-301. The hydraulic modeling was performed based on the existing ditch being free of debris. The existing roadside ditch from 7-301 to the 7-291 inlet has a "V" cross section that is approximately 1.0' deep with side slopes of 3:1 along the road and 1:1 on the outside. The roadside ditch could be widened to have a 6" bottom width if the 3:1 slope is replaced with a 2:1 slope. The length of this recommended enhancement is approximately 30' from the outlet of culvert 7-301, to the west. Widening of the ditch is not recommended past this point, where the existing channel grade increases and moves away from the road. Where the grade of the channel becomes, steeper, flow velocities will increase and help to naturally reduce collection of debris. The ditch widening and grading should reduce the potential for further clogging of the 7-301 culvert and provide additional conveyance capacity. However, as the analysis has shown, the system functions sufficiently as is. So, the proposed ditch re-grading is only a recommendation intended to provide improved function and greater capacity.*

As conditioned, the stormwater conveyance system provides sufficient mitigation of potential stormwater impacts.

7. Under MICC 19.08.030(F)(2), certain critical areas located in the subdivision should remain undeveloped, particularly areas on the steep slopes on the west side of the property.

Planning Commission Analysis:

As shown in Exhibit 162, the applicant has shifted the proposed building pads on Lots 11, 12, 13, and 14 to the east to avoid development on the proposed steep slopes. Furthermore, the applicant is proposing Native Growth Protection Areas/Easements (NGPAs) to protect the steep slopes and other critical areas on site in perpetuity.

8. The developer should explore alternate plat layouts that potentially utilize the optional development standards in MICC 19.08.030(G) to preserve critical areas and trees on site.

Planning Commission Analysis:

Optional standards for development in MICC 19.08.030(G) allow for the creation of smaller lots in order to preserve critical areas and set aside land for open space. The applicant is not proposing to use the optional standards for development. They are, however, providing the benefit of the optional standards by setting aside an open space tract (Tract B) and placing critical areas such as steep slopes into NGPAs so that they remain undeveloped. However, the applicant is not requesting reduced lot areas and/or reduced widths in exchange. All proposed lots will meet the standard minimum lot requirements (Exhibit 162).

9. The MICC does not require that existing structures on the project site be retained. Existing structures may be demolished upon receipt of appropriate permits from governing agencies.

Planning Commission Analysis:

The City does not have the authority to require the developer to retain the existing structures on the subject property. Consequently, the structures will be either demolished or relocated prior to finaling the site development permit.

10. The proposed lots should be configured so that building pads are not placed in critical areas. Circumventing the problem of critical areas by attempting to eliminate or reduce the dimensions of critical areas, as proposed by the applicant, is inconsistent with the MICC.

Planning Commission Analysis:

As discussed above and shown in Exhibit 162, the applicant has shifted the proposed building pads off of the steep slopes along the western property line. Additionally, the steep slopes will be placed into NGPAs so that they remain undeveloped.

11. Under MICC 19.15.040, the proposed plat is exempt from formal design review.

Planning Commission Analysis:

The proposed plat will not be subject to formal design review as described by MICC 19.15.040.

12. A critical area determination is not needed, as the existing swale on the subject property is not a regulated watercourse. A critical area determination applies when an applicant wishes to reduce or average a watercourse (or wetland) buffer. When there is not a regulated buffer to reduce or average, there is no need for a critical area determination.

Planning Commission Analysis:

As there is no watercourse present on the project site and no associated buffer that may potentially be reduced, the City will not require the applicant to apply for a critical area determination.

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 both state "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 and the City Council's Findings of Fact and Conclusions of Law (Exhibit 186) 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, a statement of risk, and an updated slope stability analysis (Exhibits 16 – 18 and 165) to guide development of the portions of the site that qualify as geohazard areas. Independent peer review of the slope stability analysis concurred with the applicant's report (Exhibit 168).

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 162), 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 3.13 units per acre (16 units / 5.1 acres = 3.13 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	<ul style="list-style-type: none"> • 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*	<p><u>Notice of Application:</u></p> <ul style="list-style-type: none"> • MICC 19.08.020(E)(2)(a) • MICC 19.15.020(D)(1-7) <p><u>Public Notice:</u></p> <ul style="list-style-type: none"> • MICC 19.15.020(E) <p><u>Open Record Hearing:</u></p> <ul style="list-style-type: none"> • MICC 19.15.020(D)(3) <p><u>MDNS Likely:</u></p> <ul style="list-style-type: none"> • 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
	<ul style="list-style-type: none"> • MICC 19.08.020(E)(2)(a) 	Published at least 10 days prior to the public hearing in a newspaper	11/27/2013	5

		of general circulation within the city		
	<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
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 * 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.	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 *The applicant agreed to extend the second SEPA comment period from 14 to 21 days	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
City Council Findings of Fact and Conclusions of Law	<ul style="list-style-type: none"> MICC 19.08.020(F)(3)(c) 	Rejects the Planning Commission's recommendation, remands the project back to the Planning Commission, and reopens the record effective 4/22/2014	4/21/2014	186

Public Notice of Open Record Hearing for Reopened Hearing	• MICC 19.15.020(D)(3)	Sent to all property owners within 300 feet of the subject property, sent to all parties of record, posted on the subject site, and published in the City Weekly Permit Bulletin	5/27/2014	166
	• 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	6/4/2014	166

- 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 Mercer Island, WA 98040	December 11, 2013
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 Mercer Island, WA 98040	August 1, 2013
37	Jane Kiker	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	January 14, 2014

94	Bharat Shyam	Mercer Island, WA 98040 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

- 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	7456 West Mercer Way Mercer Island, WA 98040
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	January 19, 2014

		Mercer Island, WA 98040	
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 Mercer Island, WA 98040	January 20, 2014
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	2768 68th Avenue SE	January 22, 2014

	Donner	Mercer Island, WA 98040	
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 2737 78th Avenue SE, Suite 100 Mercer Island, WA 98040	January 22, 2014
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. A closed record public hearing with the City Council was held on February 24, 2014. The City Council voted unanimously to reject the Planning Commission's recommendation and remand the project back to the Planning Commission. The City Council's Findings of Fact and Conclusions of Law were signed by the mayor on April 21, 2014, and they reopened the record for SUB13-009 effective April 22, 2014.
- viii. The applicant submitted revisions to the plat and supporting materials on May 22, 2014, May 23, 2014, May 29, 2014, and June 3, 2014. The Planning Commission reopened the public hearing on June 18, 2014 to consider the new materials submitted by the applicant and to draft a recommendation to the City Council. Notice of the Reopened Public Hearing was mailed to all residents within 300 feet of the subject property, emailed and/or mailed to all parties of record, posted

on site, and published in the City's weekly permit bulletin on May 27, 2014. The notice was also published in the Mercer Island Reporter on June 4, 2014.

- ix. Written comments were provided to the City by the following parties during the public comment periods, which ran from April 22, 2014 to 5:00 P.M. until the reopened public hearing at 7:00 PM on June 18, 2014:

Exhibit Number	Person(s) Submitting Comments	Address	Date Received
170	Robert W. Thorpe	R.W. Thorpe & Associates 2737 78th Avenue SE, Suite 100 Mercer Island, WA 98040	April 18, 2014 (requested to be included in the record on April 22, 2014)
171	J. Richard Aramburu	Aramburu & Eustis, L.L.P. 720 Third Avenue Pacific Building, Ste. Suite 2000 Seattle, WA 98104	April 21, 2014
172	Katharine Lamperti	8320 SE 30th Place Mercer Island, WA 98040	May 3, 2014
173	J. Richard Aramburu	Aramburu & Eustis, L.L.P. 720 Third Avenue Pacific Building, Ste. Suite 2000 Seattle, WA 98104	May 20, 2014
174	Sue Stewart	3205 84th Avenue SE Mercer Island, WA 98040	May 21, 2014
176	Sue Stewart	3205 84th Avenue SE Mercer Island, WA 98040	May 27, 2014
177	Sue Stewart	3205 84th Avenue SE Mercer Island, WA 98040	May 27, 2014
180	Richard Ferse, M.D	3203 84th Avenue SE Mercer Island, WA 98040	May 30, 2014
184	J. Richard Aramburu	Aramburu & Eustis, L.L.P. 720 Third Avenue Pacific Building, Ste. Suite 2000 Seattle, WA 98104	June 5, 2014
189	J. Richard Aramburu	Aramburu & Eustis, L.L.P. 720 Third Avenue Pacific Building, Ste. Suite 2000 Seattle, WA 98104	June 11, 2014
191	Charles Cobbs, M.D.	8225 SE 30th Place Mercer Island, WA 98040	June 11, 2014
192	Hardie Cobbs	8225 SE 30th Place Mercer Island, WA 98040	June 12, 2014

- x. 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 Planning Commission reopened the open record public hearing on Wednesday, June 18, 2014. Written comments were submitted by the following parties during the June 18, 2014 reopened public hearing:

Exhibit Number	Person(s) Submitting Comments	Address	Date Received
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193	Tim (T.J.) Stewart	3205 84th Avenue SE Mercer Island, WA 98040	June 14, 2014
194	Monique Liard	8245 SE 30th Place Mercer Island, WA 98040	June 15, 2014
195	Richard and Deborah Ferse	3203 84th Avenue SE Mercer Island, WA 98040	June 15, 2014
196	Toni Okada	2909 84th Avenue SE Mercer Island, WA 98040	June 17, 2014
197	Mrs. Neil Thomson	9105 Fortuna Drive, Apt 8206 Mercer Island, WA 98040	June 17, 2014
198	J. Richard Aramburu	Aramburu & Eustis, L.L.P. 720 Third Avenue Pacific Building, Ste. Suite 2000 Seattle, WA 98104	June 17, 2014
199	Sue Stewart	3205 84th Avenue SE Mercer Island, WA 98040	June 17, 2014
200	J. Richard Aramburu	Aramburu & Eustis, L.L.P. 720 Third Avenue Pacific Building, Ste. Suite 2000 Seattle, WA 98104	June 17, 2014
202	Diane Edmonds	2764 71st Avenue SE Mercer Island, WA 98040	June 17, 2014
204	Cameron Ackley	3050 81st Place SE Mercer Island, WA 98040	June 17, 2014
205	Cheryl Frizzell	8375 SE 30th Place Mercer Island, WA 98040	June 17, 2014
206	Bharat Shyam	8405 SE 34th Place Mercer Island, WA 98040	June 17, 2014
207	Justin Deng	3219 84th Avenue SE Mercer Island, WA 98040	June 18, 2014
210	Bruce Leamon	8335 SE 30th Place Mercer Island, WA 98040	June 18, 2014
211	Lisa Zaidi, Ph.D.	8231 SE 30th Place Mercer Island, WA 98040	June 18, 2014

xi. Additionally, public testimony was provided by the following parties during the open record portion of the public hearing on June 18, 2014:

Person(s) Providing Testimony	Address
Robert Thorpe	5800 West Mercer Way Mercer Island, WA 98040
Ira Appelman	4436 Ferncroft Road Mercer Island, WA 98040
Linda Chaves	8265 SE 30th Place Mercer Island, WA 98040
Sue Stewart	3205 84th Avenue SE Mercer Island, WA 98040
Cheryl Frizzell	8375 SE 30th Place Mercer Island, WA 98040
Tina Cohen	Northwest Arborvitae 8318 26th Avenue NW Seattle, WA 98117
J. Richard Aramburu	Aramburu & Eustis, L.L.P., 720 Third Avenue, Pacific Building, Suite 2000 Seattle, WA 98104
Beverly Bridge	8400 SE 34th Place Mercer Island, WA 98040
Katharine Lamperti	8320 SE 30th Place Mercer Island, WA 98040

- xii. MICC 19.08.020(F)(3)(c) requires that “Upon receipt of the planning commission’s recommendation, the city council shall at its next public meeting set the date for the public hearing where it may adopt or reject the planning commission’s recommendations.” Therefore, the City Council will tentatively set the closed record public hearing date on Monday, July 7, 2014. The date of the closed record public hearing with the City Council is tentatively scheduled for the evening of July 21, 2014.
- xiii. 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.
- xiv. 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 162, Sheet C-1.0 - Note 1). In Exhibit 162, 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.
- xv. 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.
- xvi. 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.
- xvii. 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. Per MICC 19.07.120(J)(1) and WAC 197-11-704(2)(a), the sixteen lot long plat proposal has been reviewed under the State Environmental Policy Act (SEPA). The City received the applicant’s current SEPA checklist 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 addition 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. SEPA review will not be reopened.

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 and 165) as required by MICC 19.07.060. Furthermore, the site has not been identified as having traffic access hazards or other public safety problems (Exhibit 164).

- 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 and 165) 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 19 and 162. A Level 2 Downstream Analysis is included as Exhibit 163. 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 (Exhibit 162).

- 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 162). 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. 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 range from 20 feet to 26 feet in width (Exhibit 162). Since the road is longer than 150 feet, two turnarounds are provided (Exhibit 162, Sheet CV-01). Lastly, the gradient of the proposed road shall not exceed 15 percent (Exhibit 162, Sheet C-1.1).

- 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	10,886	75	130
Lot 2	12,150	90	103 +/-
Lot 3	14,007	75	185
Lot 4	9,649	107	80
Lot 5	11,602	87	118
Lot 6	9,839	85	118
Lot 7	10,221	75	119
Lot 8	11,866	75	144
Lot 9	9,662	79	94 +/-
Lot 10	11,457	75	124
Lot 11	11,801	87	132
Lot 12	10,921	75	132
Lot 13	12,042	75	159
Lot 14	16,159	95	161
Lot 15	11,815	80	146
Lot 16	10,101	75	120

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 162 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. The City Council issued Findings of Fact and Conclusions of Law on April 21, 2014 find that features on the subject site meet neither the definition of “watercourse” nor the definition of “wetland” (Exhibit 186). 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 (now Lots 11, 12, 13, and 14 per Exhibit 162) 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 11, 12, 13, and 14 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). To conform to MICC 19.07.060(D)(1)(d), all disturbed areas outside of building footprints and impervious surfaces shall be landscaped.

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. As shown in Exhibit 162, the building pads on Lots 11, 12, 13, and 14 have been shifted further to the east off of steep slopes.

- (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 11, 12, 13, and 14 have been moved off of the 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.

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 (currently Lots 3, 10, 11, 12, 13, and 14 per Exhibit 162) 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.

The Planning Commission finds that all proposed lots, as illustrated in Exhibit 162, would meet or exceed the minimum lot area, width, and depth requirements. Furthermore, 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 162).

- 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 11, 12, 13, and 14 (previously 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 3, 10, 11, 12, 13, and 14. 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 and 186 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, 19, 163, 164, and 165). 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 162).

84th Avenue SE adjacent to the subject property lacks sidewalks, but the applicant is proposing 8.5 foot wide gravel shoulders at the recommendation of the City Engineer as well as an internal sidewalk, thus providing space for students to walk to and from school and those waiting for the bus (Exhibit 162).

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.

The 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 a sixteen lot long plat with one private access and utility tract and one open space and utilities tract, as depicted in Exhibit 162, is hereby recommended for preliminary approval, subject to the conditions of approval noted below.

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 162, 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. 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.
10. At the time of Final plat recording, the applicant shall contribute \$50,000 to the City's Street fund to be used toward the pedestrian path improvement along 84th Ave. SE (SE 39th St. to Upper Luther Burbank Park) as identified in the 6-Year Transportation Improvement Program.
11. 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.
12. Language shall be placed on the face of the final plat governing the maintenance of proposed Native Growth Protection areas.
13. All disturbed areas within geohazard areas that are outside of building footprints and impervious surfaces shall be landscaped.
14. The applicant shall extend the existing pipe along 84th Avenue SE to connect to the existing pipe at SE 30th Place as shown in Exhibit 208 (Exhibit A of Appendix A).

15. There will be a minimum side yard setback of 10 feet along the northern boundary of the Coval plat. This applies to Lots 3, 10, and 11.
16. Maintenance and repair of the proposed raingardens shall be the responsibility of the Homeowner's Association.

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.
8. The City may require that a certified arborist reassess the list of "Trees with Health/Structural Issues" if the tree is only numbered a 1 or a 2.
9. The applicant shall place a note on the face of the final plat stating, "trees preserved throughout construction will be required to be retained in perpetuity unless proven to be hazards."
10. A note shall be placed on the final plat to the effect that "the applicant will design houses to avoid disturbance of the root plates of a significant tree or trees."
11. Applicant should reevaluate if the following trees need to be removed for plat improvements: 7247, 7210, 7046, 7036, 7037, 7038, 7035, 7041, 7034, and 7017.

Fire Code Official


1. The proposed private access road shall have a paved surface no less than 26 feet in width when guest parking is provided 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. In areas where no parking is provided, the paved surface shall be no less than 20 feet.
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 Exhibit 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 15 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).



Jon Friedman
Acting Planning Commission Chair

June 18, 2014
Date