

# CITY OF MERCER ISLAND

## COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | [www.mercerisland.gov](http://www.mercerisland.gov)



### Pre-Application Meeting (PRE23-056)

*An Intake Screening is required in addition to a Pre-Application Meeting. A Pre-Application Meeting does not replace the required Intake Screening. This meeting is to provide guidance and information include prior to formal submittal.*

#### Summary:

<b>Site Location:</b>	5236 West Mercer Way	<b>Parcel Number</b>	192405-9324
<b>Lot Size:</b>	37,350 square feet	<b>Zoning:</b>	R-15 (Single Family)
<b>Brief Project Description:</b>	A proposal to construct a new single-family residence on a vacant lot.	<b>Documents Provided:</b>	1. Pre-Application Meeting Request Form 2. Plan Set 3. Narrative and Questions 4. Arborist Report
<b>Applicant Information:</b>			
<b>Name:</b>	Seth Hale	<b>Email:</b>	seth@n5architecture.com
<b>Phone:</b>			206-300-5339
<b>Second Pre-application Meeting Required:</b>	Choose an option	Click for explanation if necessary	

#### Applicant Questions:

1. Is there a formal process for N5 to take over as the architect of record?

**Staff Response:** No process is necessary for taking over as architect of record for the site. The Washington State Residential Building Code does not require either an architect's or professional engineer's stamp for a single-family home (although these are very likely the most prepared consultants to prepare and application and licensure requirements may specify that they stamp out any work that they perform). A new building permit application will provide all contact information for the proposed project.

2. Can 1709-196 be renewed or will a new permit be required?

**Staff Response:** 1709-196 expired on October 2, 2022 and is not eligible for renewal or extension. Regulations for expiration and renewal of building permits are found in [MICC 17.14.010, Section 105.5](#). This project is eligible for reapplication under a new project number and subject to all applicable codes in effect at the date of a complete application being submitted.

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Additionally, new land use applications will be required to confirm that the project meets the city's critical area regulations.

3. Is the project subject to any code updates (SRC/IBC, land use code, fire codes, stormwater codes, etc.)?

**Staff Response:** The project is subject to all regulations that are currently in effect at the time new complete applications are received by the city. This includes building codes, fire codes, stormwater codes, and land use codes (residential development standards, critical area regulations, etc.).

The city's stormwater regulations have not changed since 1709-196 was issued in 2019. The approved drainage plan is still approvable. The civil engineer will need to resign and restamp the engineering plan and drainage report with the current unexpired stamp.

4. What is the timeline for a renewal or a new application?

**Staff Response:** Each permitting component for this project will likely take at least a few months between application and approval. If a Reasonable Use Exception is required for construction in critical areas, the land use approval timeline will likely be closer to a year. Please note that these timelines do not include the amount of time that will be required to redesign the house to comply with current code standards prior to permit submittal.

Please follow [this link](#) to view more information about current permit review times.

## Review Comments:

### Fire Comments:

Fire Contact: [Jeromy.Hicks@mercerisland.gov](mailto:Jeromy.Hicks@mercerisland.gov) or 206-275-7966.

1. Building information
  - a. Use: Single-family residence
  - b. Construction Type: Wood Frame Type Vb
  - c. Square Footage: 6379
  - d. Deficiencies Noted on DRAFT REVIEW = 6
2. [Developer Handbook](#) – This is a guide with general information regarding the International Fire Code and City of Mercer Island standards. When conflicts are identified, please contact the Fire Marshal's Office for clarification.
3. [Sprinkler information](#)
  - a. All New Single-Family Residences require a minimum of a NFPA 13D sprinkler system. An exterior bell is required to be installed and must activate upon water flow. Interior smoke detectors or sounders must also be interconnected with the water flow switch.
  - b. **Mitigation options for this residence will require the installation of a NFPA 13R Fire Sprinkler System. This will require the installation of a 1.5-inch meter and a 2-inch supply line or greater, if required, by a sprinkler contractor.**
  - c. A separate Fire permit is required for Fire Sprinkler Systems and may be found [HERE](#).
4. [Fire alarm information](#)

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- a. A NFPA 72 – Chapter 29 compliant monitored fire alarm system will likely be required due to deficiencies in the area related to access and grade.
- b. Heat detection that is interconnected with household smoke detection is required.
- c. All smoke detectors/sounders must activate upon water flow of the sprinkler system.
- d. Fire alarm systems may take the place of a “typical” line voltage smoke detector system when permitted and installed per NFPA 72 – Chapter 29 and City of Mercer Island requirements. IRC 314.7.1 – 314.7.4.
- 5. Hydrant and fire flow information (IFC Appendix A)
  - a. The fire flow at the home meets requirements with sprinkler reduction.
    - i. Hydrant F4-18 (5608 GPM at 80 psi).
  - b. Distance to hydrant
    - i. F4-18
      - 1. Hydrant to rear of house – 805 feet (600 feet required)
      - 2. Hydrant to access – 284 feet (250 feet required)
      - 3. Access to rear of house – 521 (150 feet required)
- 6. Access road (2018 IFC Appendix D)
  - a. Width. All access roads under 500 feet in length are required to be 20 feet in width.
    - i. Roadway length – 185 feet
    - ii. Roadway width – 16 feet
  - b. Fire access road distance: <185 feet (150 feet required)
  - c. Slope. <21% (<10% required)
  - d. Turnaround: None present
  - e. [Fire Apparatus Road Standard Link](#)
- 7. [Code Alternative Process](#)
  - a. Code alternative processes are approved on a case-by-case basis and must show:
    - i. The reason the code may not be followed.
    - ii. The proposal for mitigating the code.
    - iii. The reason the proposal will meet or exceed the code requirements.
    - iv. Fire Code Alternatives must be submitted and approved by the Fire Code Official. A separate permit/application fee will be required for the review.

For additional information please refer to this helpful webpage:

<https://www.mercerisland.gov/cpd/page/fire-permits-and-prevention-information>

### Tree Comments:

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Tree Contact: [John.Kenney@mercerisland.gov](mailto:John.Kenney@mercerisland.gov) or 206-275-7713.

- 1. Please refer to MICC 19.10 for our tree code.
- 2. Retention of 30% of trees with a diameter of 10 inches or greater is required; additionally, development must be designed to minimize tree removal.
- 3. Replacement is required for any trees that are removed, according to the replacement ratios in MICC 19.10.070.
- 4. Tree protection (typically at tree dripline) of retained trees will be required.

For additional information please refer to this helpful webpage:

<https://www.mercerisland.gov/cpd/page/tree-permits>

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## Civil Engineering Comments:

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Civil Contact: [Ruji.Ding@mercerisland.gov](mailto:Ruji.Ding@mercerisland.gov) or 206-275-7703.

1. Please refer to MICC Title 15 for our Water, Sewers, and Public Utilities code.
2. The city's stormwater regulations have not changed since 1709-196 was issued in 2019. The approved drainage plan is still approvable. The civil engineer will need to resign and restamp the engineering plan and drainage report with the current unexpired stamp.
3. A Right of Way Restoration Plan is required with the new building permit.

For more information on Stormwater Permits please visit here:

<https://www.mercerisland.gov/cpd/page/stormwater-permits>

## Building Comments:

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Building Contact: [Gareth.Reece@mercerisland.gov](mailto:Gareth.Reece@mercerisland.gov) or 206-275-7710.

Mapping and Design Criteria: Complete information on codes adopted by Mercer Island and available City mapping is available here: <https://www.mercerisland.gov/cpd/page/codes-design-criteria-research>

Mercer Island City Code 19.07.160 requires a geotechnical engineer's assessment of certain types of work if located within a mapped geologic hazard area. Please review city mapping to determine if landslide hazards, seismic hazards, or erosion hazards are mapped on the property.

ASCE-7 wind design for structures involves topographic and exposure effects. The City has mapping available for accepted values to be used in design. Please refer to the link above for design criteria.

1. No process is necessary for taking over as architect of record for the site. The Washington State Residential Building Code does not require either an architect's or a professional engineer's stamp for a single family home (although these are very likely the most prepared consultants to prepare and application, and licensure requirements may specify that they stamp any work that they perform). A new building permit application will provide all contact information for the proposed project.
2. Permit 1709-196 expired on 10/02/2022 and is not eligible for renewal or extension. Regulations for expiration and renewal are found in MICC 17.14.010 Section 105.5 (link [here](#)). This project is certainly eligible for re-application under a new project number and subject to all applicable codes in effect on the date of a complete application being submitted.
3. Permit 1709-196 was determined complete on 10/27/2017, and was reviewed to the constructions administrative code and referenced construction codes in effect at that time, which was the 2015 code cycle. The current code cycle at the time of these notes is the 2018 code cycle, with a complete list of adopted construction codes available in MICC 17.14.010 (link [here](#)). Please refer to other disciplines comments for updates to respective applicable codes.
4. This project will be handled administratively as a new project (although one with an unconventional initial site condition). The new application should address the approach to the project considering the starting point, either through an accurately provided site plan (describing the current site at time of application) in combination with the original site survey, the proposed site plan, etc. A narrative letter describing the conditions under which the permit

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is being applied for may also be helpful (referencing prior code enforcement numbers, etc). The application will be screened for completeness using the departments standard forms. For guidance on what to include in a complete building permit application for this scope of work, please see the department website guidance (link [here](#)).

5. All electronic files related to the submittal and review of permit 1709-196 should be available and can be transmitted at your request. A request for documents including the contents of the review folder for the permit can be here: <https://mercerisland.nextrequest.com/> This process will take a few days but will produce the best response to the request. In the meantime, if you have any specific document that might be helpful, please reach out to [gareth.reece@mercerisland.gov](mailto:gareth.reece@mercerisland.gov).
6. Prior to permit 1709-196, that project team requested pre-application meeting PRE17-029. Notes and documents from that meeting may also be available.

## Planning Comments:

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Planning Contact: [Andrew.Leon@mercerisland.gov](mailto:Andrew.Leon@mercerisland.gov) or 206-275-7720.

1. Residential Zoning Standards:
  - a. Yards
    - i. Front yard: 20 feet
    - ii. Rear yard: 25 feet
    - iii. Side yards:
      1. Requirements based on lot width:
        - a. Total side yards must be at least 17% of the lot width.
        - b. no side yard less than 33% of the total side yard requirement.
      2. Variable Side Yard Depth Requirement:
        - a. Variable Side Yard Depth Requirements apply to interior lot lines only.
        - b. A minimum side yard of 7.5 feet is required for:
          - i. Non-gabled roof ends where the height is more than 15 feet.
          - ii. Gabled roof ends more than 18 feet.
          - iii. Both measurements are taken from existing or finished grade, whichever is lower, to the top of the gabled roof end adjoining the side yard.
        - c. A minimum side yard of 10 feet is required for single-family dwellings with a height of more than 25 feet measured from the existing or finished grade, whichever is lower, to the top of the exterior wall facade adjoining the side yard.
    - iv. Eaves may only protrude up to 18 inches into yards; note that no protrusion is allowed within *minimum* side yard setbacks.
    - v. No eave and minor building element protrusion is allowed into the minimum side yard setback established by either the requirements based on lot width or Variable Side Yard Depth Requirement. (MICC 19.02.020(C)(3)).
  - b. Height:
    - i. 30 feet maximum above the Average Building Elevation (ABE) to the highest point of the roof.
      1. The calculations for ABE are found in MICC 19.02.020(E)(4).
      2. It appears that the ABE calculations used in the plan set are based on the existing grade at the midpoints of each wall segment. MICC 19.02.020(E)(4) requires the midpoint elevation of each wall segment to use the lower of existing and finished

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- grade. This will lower the ABE and will also reduce the allowed overall height of the building. The house will need to be redesigned to accommodate the updated ABE.
- ii. 30 feet on the furthest downhill extent of the proposed building, as measured from the lower of the existing and finished grade, to the top of the exterior wall façade supporting the roof framing, rafters, trusses, etc.
    1. The provided plans show that the downhill wall façade height is approximately 47.5 feet. This exceeds the 30-foot limit and will need to be revised.
- c. Lot Coverage:
- i. Calculated by totaling the following:
    1. All drivable surfaces (driveway, parking pad, turn-arounds, etc. regardless the material type; e.g. pervious driveway counts towards lot coverage)
    2. Roof line (includes eaves and covered decks)
  - ii. Lot Coverage is limited to a percentage of net lot area; this percentage varies between 20-40% depending on the slope of the lot. Lot slope is calculated by subtracting the lowest existing elevation from the highest existing elevation and dividing the resulting number by the shortest horizontal distance between these two points.
  - iii. Allowed a maximum of 9% of the lot area can be hardscape.
    1. Hardscape includes: patios, uncovered steps, walkways, decks, retaining walls, rockeries, and other hardened surfaces other than drivable surfaces or roofs.
    2. Hardscape improvements can be within the maximum lot coverage allowance. That is, if the proposed lot coverage is less than the maximum lot coverage, the difference between the maximum and proposed areas can be used for hardscape.
  - iv. The provided plan set includes calculations for impervious surface rather than lot coverage and hardscape. The coverage calculations will need to be updated to show compliance with current lot coverage and hardscape standards.
- d. Gross Floor Area:
- i. Gross Floor Area includes:
    1. The main building, including but not limited to attached accessory buildings.
    2. All garages and covered parking areas, and detached accessory buildings with a gross floor area over 120 square feet.
    3. That portion of a basement which projects above the lower of existing grade or finished grade as defined and calculated in Appendix B of this development code.
    4. Staircases.
    5. Decks that are attached to the second or third level of a single-family dwelling and are covered by a roof. For the purposes of calculating the gross floor area of covered decks, the entire deck area covered by the roof shall be accounted for as floor area, provided an 18-inch eave extending beyond the edge of the deck shall not be included in the gross floor area.
    6. Space under stairways or stairwells that is used, for example, as a closet or storage space if that space meets the definition of "Floor."
  - ii. Maximum is 12,000 square feet
  - iii. Based on ceiling height, additional GFA may be applied
    1. The gross floor area shall be **150 percent** of the floor area of that portion of a room(s) with a ceiling **height of 12 feet to 16 feet**, measured from the floor surface to the ceiling.

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2. The gross floor area shall be **200 percent** of the floor area of that portion of a room(s) with a ceiling height of **more than 16 feet**, measured from the floor surface to the ceiling.
  3. Staircases shall be counted as a single floor for the first two stories accessed by the staircase. For each additional story above two stories, the staircase shall count as a single floor area. For example, a staircase with a 10-foot by 10-foot dimension that accesses three stories shall be accounted as 200 square feet (100 square feet for the first two stories, and 100 square feet for the third story).
  - iv. Second or third level covered decks count towards GFA, only uncovered or covered decks on the main level don't count towards GFA.
2. Fences and retaining walls
    - a. Height measurement
      - i. The height of a fence or gate is measured from the top of the fence or gate, including posts, to the existing or finished grade, whichever is lower, directly below the section of the fence or gate being measured.
      - ii. The height of a retaining wall or rockery is measured from the top of the retaining wall or rockery to the existing grade or finished grade, whichever is lower, directly below the retaining wall or rockery.
      - iii. Retaining walls outside of required yard setbacks shall be stepped to meet a 1:1 ratio of separation with 45 degrees of grade to be considered separate. For example, two six-foot-tall retaining walls would need to be separated by at least six feet of horizontal distance measured from the toe of the upper wall to the top of the bottom wall, to be considered separate and not combined for maximum height calculations.
    - b. Retaining wall requirements
      - i. Retaining walls used to protect cuts into the existing grade are limited to 144 inches in height within required yards.
      - ii. Retaining walls used to raise grade and protect a fill slope are limited to 72 inches within required yards.
      - iii. Fences, gates, or any combination of retaining walls, rockeries and fences are allowed to a maximum height of 42 inches within required front yards.
  3. Critical area constraints (on and off-site)
    - a. Geologically hazardous areas
      - i. The City of Mercer Island GIS shows the following geologically hazardous areas on this site:
        1. Landslide hazard areas.
        2. Erosion hazard areas.
      - ii. Geotechnical reports must address the criteria in MICC 19.07.160, which include an analysis documenting that the subject property, neighboring properties, and other critical areas will not be adversely impacted. A statement of risk must also be provided. Please review the following code section for full details:
        1. MICC 19.07.160(B) and (C) for landslide hazard areas.
        2. MICC 19.07.160(E) for erosion hazard areas.
    - b. Watercourse
      - i. The City of Mercer GIS shows a Type Np watercourse with a 60-foot buffer running along the south property line.
      - ii. Development standards – buffers

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1. Neither lot coverage nor hardscape shall be permitted within a watercourse buffer except as specifically provided in this chapter.
  2. Any watercourse adjoined by a riparian wetland or other contiguous critical area shall have the buffer required for the stream type involved or the buffer that applies to the wetland or other critical area, whichever is greater.
  3. Buffer averaging – buffer width averaging shall be allowed provided all the following requirements are met:
    - a. The applicant has demonstrated how impacts will be minimized and that avoidance has been addressed consistent with MICC 19.07.100.
    - b. The applicant has demonstrated how all proposed impacts have been mitigated consistent with MICC 19.07.180(E) and will not result in a loss of ecological function.
    - c. The proposed buffer width is not less than 75% of the standard buffer width (45 feet in the case of the buffer on this site) at any point.
    - d. The total area of the buffer is equal to the area required without averaging.
  4. Buffer reduction – buffer width reduction shall be allowed provided the following requirements are met:
    - a. The applicant has demonstrated that buffer averaging would not feasibly allow development.
    - b. The applicant has demonstrated how impacts will be minimized and that avoidance has been addressed consistent with MICC 19.07.100.
    - c. The applicant has demonstrated how all proposed impacts have been mitigated consistent with MICC 19.07.180(E) and will not result in a loss of ecological function.
    - d. The proposed buffer width is not less than 75% of the standard buffer width (45 feet in the case of the buffer on this site) at any point.
    - e. The proposed buffer reduction is not proposed in conjunction with buffer averaging.
- iii. Watercourse buffer setback – Buildings and other structures must be set back a minimum of 10 feet from the edges of a watercourse buffer.
  - iv. Mitigation measures shall achieve equivalent or greater ecological function including, but not limited to:
    1. Habitat complexity, connectivity, and other biological functions.
    2. Seasonal hydrological dynamics, water storage capacity, and water quality.
    3. Geomorphic and habitat processes and functions.
- c. Wetland
- i. The City of Mercer Island GIS shows a wetland on the southern portion of this property.
    1. A new critical area report will need to be prepared that confirms the extent and type of the wetland.
  - ii. Development standards – buffers
    1. The following activities are prohibited within any wetland or associated buffer:
      - a. Removal, excavation, or dredging material.
      - b. Draining, flooding, or disturbing the wetland, water level, or water table.
      - c. Construction, reconstruction, demolition, or expansion of any structure.
    2. Neither lot coverage nor hardscape shall be permitted within a wetland or wetland buffer except as specifically provided in this chapter.

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3. Buffer averaging – buffer width averaging shall be allowed provided the following requirements are met:
  - a. The applicant has demonstrated how impacts have been avoided consistent with MICC 19.07.100.
  - b. The applicant has demonstrated how all proposed impacts have been mitigated consistent with MICC 19.07.190(E) and will not result in a loss of ecological function.
  - c. The proposed buffer width is not less than 75% of the standard buffer width at any point.
  - d. The total area of the buffer is equal to the area required without averaging.
4. Buffer reduction – buffer width reduction shall be allowed provided the following requirements are met:
  - a. The applicant has demonstrated that buffer averaging would not feasibly allow development.
  - b. The applicant has demonstrated how impacts will be minimized and that avoidance has been addressed consistent with MICC 19.07.100.
  - c. The applicant has demonstrated how all proposed impacts have been mitigated consistent with MICC 19.07.190(E) and will not result in a loss of ecological function.
  - d. The proposed buffer width is not less than 75% of the standard buffer width at any point.
  - e. The proposed buffer reduction is not proposed in conjunction with buffer averaging.
5. Buildings and other structures shall be set back a minimum of 10 feet from the edges of a wetland buffer. The distance may be reduced to 5 feet if:
  - a. The wetland is:
    - i. Hydrologically isolated.
    - ii. Category III or IV.
    - iii. Less than 1000 square feet.
    - iv. In an area that is not associated with riparian areas or buffers.
    - v. Not a part of a wetland mosaic.
    - vi. Does not contain habitat for WDFW priority species.
  - b. A split-rail fence is installed along the perimeter of the buffer.
  - c. Survey markers are installed along the perimeter of the buffer to establish its field location.
- iii. Please review MICC 19.07.190(D) and (E) for more information about developing in or near wetlands.
- d. Features allowed in wetland and watercourse buffer setbacks.
  - i. Landscaping.
  - ii. Uncovered decks less than 30 inches above existing or finished grade, whichever is lower.
  - iii. Building overhangs if such overhangs do not extend more than 18 inches into the setback area.
  - iv. Hardscape and driveways, provided that such improvements may be subject to requirements in Chapter 15.09 MICC, storm water master program.
  - v. Split-rail fences.
  - vi. Trails, consistent with the requirements of MICC 19.07.180 and 190.

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- vii. Subgrade components of foundations, provided that any temporary impacts to building setbacks shall be restored to their previous condition or better.
  - e. Critical area study
    - i. A critical area study will be required to assess the impacts the project will have on the wetland and watercourse.
    - ii. Any critical area study completed over five years prior to the application submittal date shall be field verified by a qualified professional to determine whether the study accurately provides information required by the MICC. If not, the study shall be updated or completed according to the current best available science.
  - f. Critical area permitting
    - i. Critical Area Review 2
      - 1. Required for any application to average or reduce the width of a wetland or watercourse buffer.
      - 2. Required to construct a new structure within geologically hazardous areas.
    - ii. Reasonable Use Exception
      - 1. Required if the proposed development cannot be achieved through the buffer averaging or reduction process.
      - 2. If the application of Chapter 19.07 MICC will deny any reasonable use of the property, then the applicant may apply for an exception from the requirements of the chapter in accordance with the provisions for Type IV reviews. The hearing examiner may approve the application for a reasonable use exception only if the development proposal meets all of the following criteria:
        - a. The application of Chapter 19.07 would deny all reasonable use of the property.
        - b. There is no other reasonable use with less impact on the critical area.
        - c. Any alteration to critical areas and associated buffers is the minimum necessary to allow for reasonable use of the property.
        - d. The proposal does not pose an unreasonable threat to the public interest.
        - e. The inability of the applicant to derive reasonable use of the property is not the result of actions by the current or prior property owner.
      - 3. The hearing examiner may approve, approve with conditions, or deny the request based on the proposal's ability to comply with all of the above criteria. The applicant has the burden of proof in demonstrating that the above criteria are met.
  - g. Geotechnical reports must address the criteria in MICC 19.07.160, which include an analysis documenting that the subject property, neighboring properties, and other critical areas will not be adversely impacted. A statement of risk must also be provided. Please review this code section for full details.
4. State Environmental Policy Act (SEPA) Review
- a. SEPA review is required for any work on lands covered by water, including watercourses and wetlands.
    - i. This project involves work in wetland and watercourse buffers. As such, SEPA review is required.
    - ii. The scope of work depicted in the provided site plan underwent SEPA review under SEP17-031. A Determination of Nonsignificance was issued for the scope of work on October 1, 2018.
5. Building Pad

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- a. Building pads shall be located to minimize or prevent impacts as indicated in the following:
    - i. Removal of trees and vegetation required for retention pursuant to Chapter 19.10 MICC shall be prevented.
    - ii. Disturbance of the existing, natural topography as a result of anticipated development within the building pad shall be minimized.
    - iii. Impacts to critical areas and critical area buffers shall be minimized, consistent with the provisions of Chapter 19.07 MICC.
    - iv. Access to the building pad shall be consistent with the standards contained in MICC 19.09.040.
  - b. Building pads shall not be located within:
    - i. Required front, rear, or side yard setbacks.
    - ii. Streets or rights-of-way.
    - iii. Critical areas, buffers, or critical area setbacks. Building pads may be located within geologically hazardous areas and associated buffers and setbacks when all of the following are met:
      - 1. A qualified professional determines that the criteria of MICC 19.07.160(B)(2) and (3), Site Development, are satisfied.
      - 2. Building pads are sited to minimize impacts to the extent feasible.
      - 3. Building pads are not located in steep slopes or within ten 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.
    - iv. No cross-section dimension of a building pad shall be less than 20 feet in width.
6. Driveways
- a. Driveways serving one single-family dwelling shall be at least eight feet in width. Please note the additional driveway width may be required to meet fire code requirements.
  - b. Driveway gradient
    - i. No access road or driveway shall have a gradient of greater than 20%.
    - ii. For all access roads and driveways with a gradient exceeding 15%, the road surface shall be cement concrete with a brushed surface for traction. Access roads and driveways with gradients of 15% or less may have asphalt concrete surface.
7. Easement:
- a. The City of Mercer Island GIS shows two easements on the property:
    - i. Sewer easement on the south side of the property – recording number 198004220465
    - ii. 20-foot storm easement on the south property line – recording number 197812140768
  - b. Utility and Other Easements. No structure shall be constructed on or over any easement for water, sewer, storm drainage, utilities, trail or other public purposes unless it is permitted within the language of the easement or is mutually agreed in writing between the grantee and grantor of the easement.
  - c. Since multiple property owners share an interest in the easement, all parties with an interest must agree to the change.
8. Impact fees
- a. Current rates are:
    - i. Transportation - \$4,153
    - ii. Parks - \$6,073
  - b. Note that fees are due at the time they are assessed--they do not vest to the time of complete subdivision or building permit application.

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9. Transportation Concurrency: Please apply for a transportation concurrency certificate at the same time as the building permit.
10. Variance
  - a. An applicant or property owner may request a variance from any numeric standard, except for the standards contained within Chapter 19.07 MICC. A variance shall be granted by the City only if the applicant can meet all criteria in MICC 19.06.110(B)(2)(a) through (h).
  - b. Review criteria
    - i. The strict enforcement of the provisions of Title 19 MICC will create an unnecessary hardship to the property owner. For the purposes of this criterion, in the R-8.4, R-9.6, R-12, and R-15 zoning designations, an “unnecessary hardship” is limited to those circumstances where the adopted standards of this title prevent the construction of a single-family dwelling on a legally created, residentially zoned lot.
    - ii. The variance is the minimum necessary to grant relief to the property owner.
    - iii. No use variance shall be allowed.
    - iv. There are special circumstances applicable to the particular lot such as the size, shape, topography, or location of the lot; or factors necessary for the successful installation of a solar energy system such as a particular orientation of a building for the purposes of providing solar access.
    - v. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the property is situated.
    - vi. The granting of the variance will not alter the character of the neighborhood, nor impair the appropriate use or development of adjacent property.
    - vii. The variance is consistent with the policies and provisions of the comprehensive plan and the development code.
    - viii. The basis for requesting the variance is not the direct result of a past action by the current or prior property owner.
11. Vesting (MICC 19.15.170)
  - a. Complete applications for land use review of Type I land use reviews, building permits, conditional use permits, design review, short subdivisions, and long subdivisions shall vest on the date a complete application is filed.
  - b. Termination of vested rights associated with a land use review for a development proposal shall occur at the time of expiration of land use approval, as established in MICC 19.15.150, or when an applicant withdraws the land use application.
    - i. The building permit associated with this project (1709-196) expired in 2022. The Critical Area Determination associated with 1709-196 (CAO17-014) was approved in 2018, but that approval expired when 1709-196 expired in 2022. As such, the previous approvals are not vested and a new building permit and critical area review/reasonable use exception are required under the current building and land use regulations.
12. Application fees
  - a. Deposit due at time of application
  - b. Review time is billed hourly against the deposit; additional fees may be requested if additional review time is required.
  - c. When third-party technical review is required (e.g. geotechnical, wetland, watercourse etc.), this is billed separately, in addition to staff review time.
13. Land Use Application Process and Estimated Timeline:
  - a. Required land use approvals

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- i. Critical Area Review 2
- ii. Reasonable Use Exception (If critical area regulations cannot be met)
- iii. Variance (If relief from a numerical standard is requested)
- b. Prompt for consolidated review
- c. Summary of procedural steps
  - i. Pre-Application meeting
  - ii. Submit application electronically
  - iii. Application Completeness Check
  - iv. Notice of Application (incl. public notice via sign on site, mailing, notice in bulletin) beginning 30-day comment period; review begins
  - v. Review comments may be sent out if needed
  - vi. Notice of Public Hearing
    - 1. Could be consolidated with the Notice of Application but would likely be a separate public notice.
  - vii. Public hearing
    - 1. Required for Reasonable Use Exception or Variance
  - viii. Notice of Decision
  - ix. Appeal period
- d. Land use approvals shall expire three years from the date of notice of decision if the development proposal authorized by the land use review is not commenced. For the purposes of this section, the development proposal shall be considered established if construction or substantial progress toward construction of a development proposal for which a land use review approval has been granted must be undertaken within two years of the date of notice of decision of the land use review.

### Land Use Decisions

Type of Review	Target
Completeness Review	4 weeks
First review	8-12 weeks
Second and subsequent reviews	6 weeks
Staff Report / Decision (following completion of review)	3-4 weeks

Single Family Residential	
First Review	8-12 weeks
Second Review	3 weeks
Third and subsequent reviews	2 weeks
Revisions	2-3 weeks
Express Reviews (see note below)**	4 weeks

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For more information on Land Use and Planning please refer to this useful webpage:  
<https://www.mercerisland.gov/cpd/page/land-use-application-forms-and-submittal-requirements>

### Pre-Application Fees:

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The minimum fee for the pre-application meeting must be paid to initiate the pre-application process. If staff time exceeds the minimum hours allotted, the applicant will be invoiced via email for additional staff hours at the current hourly rate. Note: All involved staff members track time spent researching and preparing, attending the meeting, corresponding, responding to questions pre and post meeting, and/or on any other activity related to the pre-application process for the project. Applicants who continue to discuss the meeting with staff should expect to be invoiced for additional staff time.

<b>2023 Pre-application Fees</b>	
<b>Type 1 Pre-Application Meeting:</b> \$954 minimum fee, plus charges for any staff time spent on the pre-application over 6 hours. Any additional staff time is charged at a rate of \$159/hour.	<b>Type 2 Pre-Application Meeting:</b> \$1,908 minimum fee, plus charges for any staff time spent on the pre-application over 12 hours. Any additional staff time is charged at a rate of \$159/hour.
<i>Please Note: Fees will continue to accrue, post pre-application meeting, in situations where the applicant requests follow up or has additional questions that require additional staff time. Fees will be assessed at the hourly staff rate in place at the time of accrual and invoiced via email.</i>	

Regards

Andrew Leon  
Planner  
Community Planning & Development  
City of Mercer Island

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