

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040
PHONE: 206.275.7605 | www.mercerisland.gov



CITY USE ONLY

PROJECT#	APPEAL#	FEE
CE25-0078	APL26-003	\$1820

Date Received: March 9, 2026

Received By: City Clerk's Office

APPEAL

SITE ADDRESS OF PROPERTY WHERE THE DECISION IS BEING APPEALED:

King County Tax Parcel # 302405TR-A - Notice of Violation Case# CE25-0078 Together with Case# CE25-0077

PROPERTY OWNER NAME: Dwight and Christine Schaeffer	ADDRESS: 6958 96th Ave SE, MI, WA 98040	PHONE: 206-601-5221 E-MAIL: drschaeffer@comcast.net
APPELLANT NAME (if different from property owner):	ADDRESS:	PHONE: E-MAIL:
APPELLANT ATTORNEY INFORMATION (if applicable):	ADDRESS:	PHONE: E-MAIL:

What is the decision that you are appealing? Include any applicable project file number.

Notice of Violation, Case #: CE25-0078 and CE25-0077 - Please see the attached documentation

What are your reasons for appealing this decision? (Attach additional pages if necessary)

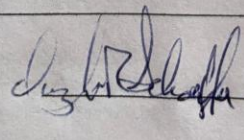
(You must indicate specifically that there were substantial errors, the decision is unsupported by the facts presented, the decision is in conflict with the standards for review of the action or there were irregularities in the procedure. Attachments or supporting information may be included.)

Please see the attached documentation

What is the outcome or changes in the decision that you are seeking? (Attach additional pages if necessary)

Please see the attached documentation

Signature:

 Christine Schaeffer

Date: 3/9/2026

Site address of the property where the decision is being appealed:

King County Tax Parcel # 302405TR-A

Property owners, undivided interests:

- 1) RMA WA Holdings MI LLC; Joanna Russell, Trustee/Manager
- 2) Dwight and Christine Schaeffer

Property owners addresses, cell phones, e-mails:

- 1) 1402 E. Pike St., Seattle, WA 98122 (Trustee/Manager); (206) 423-3105 joanna@nwcc.us.com
- 2) 6958 96th Ave SE, Mercer Island, WA 98040; (206) 601-5221 drschaeffer@comcast.net

Appellant attorney information:

J. Richard Aramburu

705 Second Ave, suite 1300

Seattle, WA 98104-1797

(206) 625-9515

AramburuLaw@gmail.com

What is the decision you are appealing?

Notice of Violation, Case #: CE25-0077 and CE25-0078

What are your reasons for appealing this decision?

Property Description

The property owners of 6958 (Dwight and Christine Schaeffer) and 6952 96th Ave SE (RMA WA Holdings MI LLC) have an undivided interest in the subject property, which is a parking area, area for locating garbage, recycle, and yard waste bins, and vehicle access to a long, 300', steep driveway to their homes (owned by the Schaeffers, with a non-exclusive ingress-egress lease for Lot 3). The lot is 40' wide and about 56' deep, fronting on 96th Ave SE; 96th Ave SE dead ends in front of 7020 96th Ave SE. These 4 properties were formed in 1982 by the Hobbs-Getty short plat, and were designated as Lots 1 (Choi), 2 (Schaeffer), 3 (RMA), and Tract A. A storm drain lies in an easement on the property line between Lot 1 and Tract A.

Tract A Improvements

Until 2025, Tract A was an eyesore, consisting only of old asphalt, garbage bins for Lots 2 and 3, and a grate for the storm drain.

Vehicles unrelated to Lots 2 and 3 would come down the driveway, constructed in the late 1980's, turn around in front of the Lot 2 house day and night and other vehicles would park in the driveway. Pedestrians we did not know would walk down to our houses and even our waterfronts. Trucks damaged the stairway next to the driveway, the handrail, and the strip drains in the driveway. Contractors were using and blocking the driveway to access the eastern portion of Lot 1 without our authorization. Our cars were broken into and items stolen when parked outside next to our house. Packages were stolen from our front porches. Tract A was used for parking and turnaround by unauthorized vehicles and construction, delivery and garbage trucks. Lot 1 placed their garbage bins in Tract A on garbage days.

Then came the deer, who ravaged the extensive foliage in our professionally landscaped areas on lots #2 and #3.

The Lot 3 trust embarked on a Tract A improvement effort to:

- improve the appearance
- provide security for our properties
- reduce damage caused by 3rd party vehicles
- clarify that Tract A and Lots 2 and 3 were private property

The improvements consisted of:

- a fenced garbage area, without a roof, consisting of a concrete floor (about 9' x 14'), painted wood 6' fencing around the floor, and doors on each end
- a Wisteria trellis above the fenced area
- a package locker built into the fenced area to reduce delivery truck traffic
- pavers on the south curvature to place the bins on garbage day
- remove asphalt and install water permeable pavers
- low block walls to prevent soil spillage on the pavers
- automatic steel gates with emergency (Fire Dept.) switch (KnoxBox) and keypad entry
- landscaping and lighting
- wood fencing to close off the edges and decorative monuments (non-structural) serving as lamp posts.
- The fenced garbage bin area was completed in early March 2025.
- emergency key entry has been approved and completed by the fire department (KnoxBox)
- electrical permit for the gate, lighting, switches and enclosure lighting has been recently approved

All utility routing was mapped by the utility companies (gas, water, electrical, cable) and none are under the enclosure.

Environmental Hazard Mitigation

The vendors and architect did not believe a building permit was required, since the improvements were basically fencing, and because environmental hazard issues (earthquake, landslide, erosion, springs, watercourses, geological material) had all been reviewed, mitigated and approved by the City of Mercer Island during the permitting and construction of the driveway and retaining walls (1989) and construction of the residence on Lot 2 (2003 to 2006). Some features of the mitigation are as follows:

- Driveway
 - 4" cross-welded steel reinforced extra rich concrete driveway poured over a rock gravel bed designed to withstand heavy trucks
 - surface grooved for traction
 - back-sloped to prevent run-off downhill
 - 3 driveway strip drains connecting to grated catch basins
 - grade held to 20% maximum
 - minimum 13' width, with extra width at turns, accommodates trucks to maintain storm drains
 - shared driveway with Lot 3 meets City's best practices
 - Fire Marshal approved driveway as meeting or exceeding fire department requirements

- Retaining Walls
 - 17 I-beams on south and upper sides of driveway,
 - up to 14" cross-section
 - placed in 24" tubes up to 15' deep
 - filled with reinforced concrete
 - 6' x 8' wood beams between I-beams
 - perforated pipe drainage behind wall in gravel
 - 4 mature Magnolia trees, one Leyland Cypress planted on steep slopes, along with numerous shrubs, bushes and flowers; verbally agree to by David Choi

Complaint and Code Compliance Notices

Lots 2 and 3 received a Code Compliance Courtesy Notice dated 9/17/25 from Mercer Island Code Enforcement, without prior warning. It alleged the fenced enclosure was covered and was built over vehicle access easements and utility and other easements, based on a complaint. The Notice contained an obsolete map and short plat covenants and directed the enclosure be torn down by December 16, 2025 and didn't seem to recognize Tract A was a property separate from Lots 2 and 3.

Dwight Schaeffer agreed to represent both Lots 2 and 3 when interfacing with the City and replied on September 19, 2025. He took exception to the notice's claim that the fenced area was covered and to

the claim that the area, gate, and fence blocked vehicle easements. He replied that he had coordinated with and showed plans to the three immediate neighbors prior to construction: Tim Sticles (west of Tract A), Sue Robboy (north of Tract A), and David Choi (Lot 1 to the south). David lived alone for 9 years, apart from his wife Nancy, who lives in the couple's condominium in Seattle. David recently suffered a heart attack (June 30, 2025) and died from a subsequent stroke and his house is currently unoccupied. None of the neighbors objected to the plan at that time.

Dwight agreed to meet with Code Compliance after obtaining the complaint and attached documents and identification of the complainant. Code Compliance gave Dwight the complaint number and told Dwight to seek a copy through a public records request, which was completed. The complaint was filed by an anonymous user on behalf of Nancy Choi on 8/18/2025, the sole remaining owner of Lot 1. The details of her concerns are as follows:

"Neighbors of 6952 and 6958 have built a **covered area** for receiving packages and garbage cans, a fence, a metal gate, and some landscaping on Tack (sic) A and around the utility easement. **They have instructed their workers and friends parking their vehicles at our driveway.** Whenever a car enters the direction to my house, must make a U-turn inside my lot. They have **knocked down my light pole several times.** 6952 and 6958 will lineup (sic) their garbage cans by **my side of my house** every Thursday for Friday garbage dates. I will appreciate if someone can come out to look at this situation and I have **pictures to show.**"

We assert the statements written in italics and highlighted in *red* are false:

- There is no covered area
- The portion of 96th Ave SE in front (west side) of Lot 1 is a city street, not part of a private driveway and we have never advised workers to turn around in her driveway. She may think it's hers since a low monument with a light has been placed on both sides of a city street.
- We are not aware of anyone recently damaging a 'light pole'. I helped David years ago by providing and replacing a bulb in one of the light fixtures and noticed some of the glass was broken then.
- The garbage bins are placed on the southwest corner of Tract A between the curvature and 96th Ave SE, completely on Tract A property. This complaint is ironic since Lot 1 has been placing their garbage bins inside Tract A for over 25 years.
- The complaint did not contain any pictures, but an obsolete unsigned version of the short plat covenants was attached.

The complainant did not know if the concern involved a permit issued by the City.

I responded to Code Enforcement on 9/22/2025 that I had the complaint, but it used an obsolete survey map. I identified that the final Short Plat survey and covenants on Auditor's File #8108180692 and #8111130749 have been superseded by File #8302030219, which reads as:

"Plat Covenants

1. Public and private utility easements include all means of access to utility facilities for construction and maintenance.
2. The said access road in Covenant No. 2 as recorded under Auditor's No, 8111130749 jointly serving Lot 2 and Lot 3 does not exist. Instead, Lot 2 shall have access by means of a private driveway through that portion of Lot 2 that adjoins Tract A. Access to Lot 3 shall have access by means of a private driveway through that portion of Lot 3 that adjoins Tract A.
3. Said owners of Tract A are to have an undivided one third interest in Tract A and said Tract A shall be jointly owned and maintained. The one third ownership in Tract A allocated to Lot 1 is for, and only for, the purpose of maintaining utility easements that pertain to Lot 1. Lot 1 shall have no further privileges or responsibilities for Tract A. The remainder of the rights and responsibilities for Tract A, including costs for improvements, modifications, reconstruction, maintenance, expenses and repairs, etc., associate with Tract A will be share jointly between Lot 2 and Lot 3."

I pointed out there is a public and private utility easement for the purpose of maintaining utilities, but not a public easement. Access to the utilities is through an automatic gate, which the fire department can open with an emergency key (KnoxBox). Other utilities can call to obtain the keypad code.

An on-site meeting was arranged for and held on 10/03/2025 on site with Grace (Code Compliance) and Madelyn (from Planning). Dwight subsequently prepared a summary of the meeting and posed a series of questions on an e-mail date 10/05/2025.

Dwight also noted this was the 3rd time Nancy asserted she had a right to enter Tract A and the driveway for the purpose of accessing the eastern part of her property and cutting, removing, or topping trees to prevent them from blocking her view. The first time she parked on Tract A, a previous owner of lot 3 forced her to move. When she went to the City, they told her she had no privileges to use Tract A. The 2nd time, Dwight allowed the Chois to use the driveway to access and top trees on their property and asked them to wait until November when the trees were more dormant. They didn't. A contractor drove a large truck down the driveway unannounced in September, blocked the driveway and damaged the handrail. They also topped a Magnolia on Lot 2 without permission, and left a mess of cut limbs on the ground, which Dwight had to clean up. The third instance occurred late July 2025. Nancy insisted

she had a public easement to Tract A. I disagreed and pointed out that her husband had twice agreed with us. When another neighbor supporting Nancy asked whether Dwight would allow access as before to top or cut down the trees, Dwight refused, citing the problems with the previous incident. The Schaeffers subsequently communicated with the City and found the trees were in a critical tree area due to steep slopes, erosion, slide prone, and springs and could not be cut, topped, or removed without a permit, which they were unlikely to provide, but she could thin the limbs, as another homeowner has done. The information from the City was sent to Nancy. I suspect that the complaint she submitted was really about cutting trees.

On 10/10/2025, Code Enforcement e-mailed she was unable to locate Auditor File #8302030219 and asked that Dwight send her a copy, which he did on October 10, 2025. She also provided responses to some of the questions Dwight posed, including the following.

- Question #1 response: "The portion of the complaint received regarding the garbage cans placed on neighboring property, trespassing, and cars using a driveway are civil issues that the city does not get involved with and will not be investigating."
- Question #2 response: "Yes, the 30 day deadline for corrective actions will be suspended until we have identified the existing violations and have a path forward."
- Question #5 response: "...Unless it is determined that Tract A is an access easement, the enclosure is not located on any known easement."

From these responses, we conclude that the original complaint has no relationship to the subsequent Code Compliance Courtesy Notice, contrary to the statement "the alleged is correct".

Rewritten Code Compliance Courtesy Notice

On October 17, 2025, Lots 2 and 3 received a completely rewritten Code Compliance Courtesy Notice. The City focused on two new subjects not in the original Complaint:

1. Though on virtually flat land about 50' from steep slopes, the fenced enclosure is in the edge of a moderate seismically sensitive area based on mapped hazard areas and thus the City requires a Critical Area Review and a Building Permit. Other mapped hazards barely or do not touch the eastern boundary of Tract A.
2. The City has re-characterized the storm drain as a piped watercourse and cites a 2019 code change as requiring a 45' setback so that the pipe can be day-lighted to enhance fish populations. A storm drain has no setback requirement. Permitted improvements before the code change are grandfathered. The storm drain starts at the crest of the Island and probably

goes through 50 properties; this might be the only property on this storm drain subjected to this setback.

Dwight Schaeffer wrote a response to Code Enforcement on October 31, 2025 and presented 4 main objections to the Compliance Courtesy Notice:

1) You cite MICC 17.14.010(105.1) *Permits Required*. You failed to cite MICC17.14.010 (105.2) *Exceptions (22 types)*.

When not in a critical area, a permit is not required for

- storage shed with floor area under 200 sq. ft.
- fences 6 ft. high or less
- retaining walls and rockeries not over 4 ft.
- sidewalks, decks, and driveways not over 30 inches above grade or over basement

The subject does not contain a shed; it contains an open 6 ft. fenced garbage bin area on a concrete pad on grade with a floor area under 120 sq. ft., constructed in accordance with the MICC 19.16 definition for a "fence".

2) I disagree that the subject 301405TR-A contains a watercourse that would cause the Tract A to be a critical area. I have repeatedly directed Code Compliance to MICC 19.16 (Definitions), which clearly states **a storm drain is not a piped watercourse**. I previously sent Code Compliance copies of the pages defining "Watercourses" and "Piped watercourses" in MICC 19.16. We do not need a *Critical Area Review* to read a definition.

3) You claim there are mapped geologically hazardous areas on the subject tract. Trang Pham has provided a map of hazards. The tract is essentially flat and does not contain scarps, documented landslides, protected slopes, nor springs. You told me verbally on October 3, 2025 that the City has a recently revised hazardous area map that identifies a seismic hazard on the subject tract. I checked the MICC hazardous map and saw a "suspected" seismic area (not confirmed) on the subject tract. I then reviewed all title 19 ordinances approved by the City Council since 2021 and could not find any seismic area ordinances. The closest thing could find was Ordinance 25C-19 enacted 7/1/25, and incorporated in August 8, 2025 Revision as Supplement 7, update 2. If this is what you were talking about, it does not apply, as the fenced enclosure was completed in early March of 2025 before the Revision.

4) MICC 19.07.160 *Geologically Hazardous Area* states under (B)(1):

“...the code official may waive the requirement for a Critical Area study and the requirements of (B)(2) and (B)(3) of this section when he or she determines the proposed development is minor in nature and will not increase the risk ofharm from seismic activity, or that the development does not meet the definition of geologically hazardous area.”

Even if the area is found to be an approved seismically hazardous area adopted before March 2025, it is hard to see how the fenced area can exacerbate the hazards of a seismic event and how the development is other than minor. To the contrary, Improvements on Tract A and the downhill Lots 1 and 2, contain major improvements that mitigate the hazards of a seismic even (such as 17 I-beams on lot 2 encased in reinforced concrete to depths up to 15 ft.).

Mercer Island has hundreds of fences in critical areas built without a building permit or Critical Area Review.

Seismically Sensitive Area Code Exceptions

MICC 19.07.160(B).....

1. When an alteration within a landslide hazard area, seismic hazard area or buffer associated with these hazards is proposed, the applicant must submit a critical area study concluding that the proposal can effectively mitigate risks of the hazard, the study shall recommend appropriate design and development measures to mitigate such hazards. The official code may waive the requirement for a critical area study and the requirements of subsections (B)(2) and (B)(3) of this section when he or she determines that the proposed development is minor in nature and will not increase the risk of landslide, erosion, or harm from seismic activity,,,,,,
2. Alteration of landslide hazard areas and seismic hazard areas and associated buffers may occur if the critical area study documents find that the proposed alteration:
 - Will not adversely impact other critical areas
 - Will not adversely impact the subject property or adjacent properties
 - Will mitigate impacts to the geologically hazardous areas consistent with best available science to the maximum extent possible such that the site is determined to be safe
 - Includes the landscaping of all disturbed areas outside of building footprints and installation of hardscape prior to final inspection

3. Alteration of landslide hazard areas, seismic hazard areas and associated buffers may occur if the conditions listed in subsection (B)(2) of this section are satisfied and the geotechnical professional provides a statement of risk matching one of the following:
 - An evaluation of site specific subsurface conditions demonstrates that the proposed development is not located in a landslide hazard area or seismic hazard area;
 - The landslide hazard area or seismic hazard area will be modified, or the development has been designed so that the risk to the site and adjacent property is eliminated or mitigated such that the site is determined to be safe;
 - Construction practices are proposed for the alteration that would render the development as safe and do not adversely impact adjacent properties, or
 - The development is so minor as to not pose a threat to public health, safety and welfare

MICC.07.090 Critical Area Reviews

A(2) Review Timing and Sequencing

- a. If a building permit is required associated with the critical area review 1, then the substance of the review shall take place concurrently with the building permit review and no separate land use review application is required

The Critical Area review was effectively conducted as part of the building permit reviews for the driveway and retaining wall in 1989 and for the house on Lot 2 in 2004-2006; mitigations were approved. The risk of a seismic event on Tract A would be a landslide, which has previously found to be mitigated. A collapse of the fenced area would be of no consequence and would not pose a threat to public health, safety and welfare.

Geo Group Northwest, Inc. a geotechnical engineering and environmental consulting firm has investigated the Tract A site improvement and has reported the development to be very minor and does not exacerbate the consequences of an earthquake, with no additional impact to neighboring properties, nor to public health, safety and welfare.

Pipe Watercourse/Storm Drain

MICC19.16.010 defines a watercourse as "a course or route, formed by nature....along which surface watersnaturally and normally flow in draining from higher to lower lands. This definition does not include ...storm water runoff devices or other courses unless they are used by fish or to convey waters that were naturally occurring prior to construction

I filed a Public Records Request 25-804 with Mary Swan, the Mercer Island Public Records Officer to obtain a copy of the building permit and the as-built survey of the storm drain on Tract A. On 11/04/2025, she replied:

"I was unable to locate a storm as built filed under 7020 96th Ave SE, 6952 96th Ave SE, or the 302405 TR A. I was unable to locate the building permit for the storm drain. Please let me know if I can help further."

She also provided me with a map of the storm drain in question to assure she was looking at the right storm drain. She was. The Legend shows 6 types of Storm Main, including "piped watercourse", a type of "Storm Main". Code Enforcement has misinterpreted the map as not showing storm drains and insists that we must prove that the watercourse was never open and containing fish; it is virtually impossible to prove something never existed. Just the same, the 12" storm drain outlet is above lake level most of the year and has a small amount of water flow from springs when absent a storm. Further, this particular storm drain has grades up to 20%, so any fish in this storm drain would have to be very small to live in the small amount of water, yet very strong to be able to jump into the pipe and swim up the steep grades.

The map shows a very revealing feature: There is a drain originating from the roadway on 9623 71st St. immediately to the south of Lot 1 feeding into the storm drain catch basin on the southeast corner of Lot 1. This is a characteristic of a storm drain, not of an enclosed open waterway.

The map also has a disclaimer:

"The maps were developed by the city of Mercer Island and are intended to be a general reference tool. These maps are not an accepted legal instrument for describing, establishing, recording or maintaining descriptions for property descriptions or boundaries. The City makes no representation or warranty with respect to the accuracy or currency of the data sets, especially in regard to labeling of survey dimensions, agreements with official sources as records of survey or mapped location of features."

And yet, Code Enforcement is using these maps for legal purposes and draconian fines, often as the only source. The same disclaimer is on all maps of hazardous environmental areas.

It is infeasible to daylight the storm drain on Tract A for several reasons:

- The 10' storm drain easement straddles the property line between Tract A and Lot 1, which is fully developed with an approved building permit, so only 56' of the Tract A side can be daylighted
- Daylighting on Tract A would interfere with access to the driveway (and thus interfere with storm drain maintenance access down the driveway)
- Daylighting on Tract A would interfere with pedestrian access to the stairway on the south side of the driveway, used especially during snow or ice, and thus would compromise safety.
- The storm drain would be subject to overflowing onto Lot 1 just before steep slopes, causing an erosion and landslide hazard on Lot 1.
- The storm drain is under a large tree on the Lot 1 and Tract A property line, a Japanese Maple on Lot 1, and about a dozen Laurels. Damage or destruction of all these trees would result from daylighting just half the storm drain.

What is the outcome or changes in the decision that you are seeking?

We seek exemptions from the requirements for a Critical Area Review and building permit for the Tract A improvements, except we agree an electrical permit is needed, which we have received. The exemption is based on the provisions of MICC19.160(B) and the geotechnical report.

We seek for the storm drain to be called a storm drain, not an enclosed open stream formerly containing fish; there are no historic records to suggest otherwise, the City's own storm drain maps call it a storm drain and contains features of a storm drain; daylighting the storm drain would be very difficult, impracticable, and detrimental to the environment and public safety.

This is a single tract with an undivided interest: the violation notice should be combined into a single notice, and we request that the City do so and not charge fees for two violations. Fees have been paid for two appeals and we request one of the fees to be returned.

We request a pre-hearing meeting

We have verbally requested that Code Compliance consult with the doing City organizations, like Public Utilities, Storm Drains. Had they done so, a great deal of effort may have been avoided by the City and the alleged violators.

List of Exhibits

1. Complaints and Notices
 - 1.1 Choi Complaint
 - 1.1.1 Code Compliance Request Form
 - 1.1.2 Obsolete short plat drawings and covenants
 - 1.1.3 Final short plat covenants
 - 1.2 Code Compliance Courtesy Notice, 09/17/2025
 - 1.3 Code Compliance Courtesy Notice, 10/17/2025
 - 1.3.1 Case CE25-0077
 - 1.3.2 Case CE25-0078
 - 1.4 Notice of Violation, 2/19/26
 - 1.4.1 Case CE25-0077
 - 1.4.2 Case CE25-0078
2. Property Description
 - 2.1 Planforms of Hobbs-Getty short plat lots
 - 2.2 Tract A planform and storm drain easement details
 - 2.3 Landslide, Contours, Storm Drains: Hobbs Short Plat
 - 2.4 Storm Drains, Improvements: Hobbs Short Plat
3. Environmental Hazard Areas
 - 3.1 Landslide, Scarps, Springs, Protected Slopes
 - 3.2 Seismic Sensitive Areas
4. Tract A Improvements
 - 4.1 View from northwest
 - 4.2 View from southwest
 - 4.3 View from southeast
 - 4.4 View from northeast
 - 4.5 Fenced Garbage Enclosure
 - 4.5.1 View from east
 - 4.5.2 View from west
 - 4.5.3 Fire department emergency switch (KnoxBox)
 - 4.5.4 View of parcel locker from southwest
5. Geotechnical Report from GEO Group Northwest
6. Storm Drain
 - 6.1 Storm Drains, Improvements: Hobbs Short Plat
 - 6.2 View of storm drain outflow in Lake Washington
7. Email exchange

Exhibit 1

Complaints and Notices

Exhibit 1.1

Choi Complaint

Exhibit 1.1.3

Final short plat covenants

Exhibit 1.1.3

Final Short Plat Covenants

PLAT COVENANTS FOR MERGER ISLAND SHORT PLAT # MI-81-5-05
(Supercedes Covenants recorded under Auditor's File
numbers 8108180692 and 8111130749)

LEGAL DESCRIPTION:

Beginning at a point on the Westerly boundary line of Government Lot 2, Section 30, Township 24 South, Range 5 East, W.M., in King County, Washington, which point is 900 feet South 0 degrees 21' West of the Northwest corner of said Government Lot 2; thence South 0 degrees 21' West along the Westerly boundary line of said Government Lot 2, 100 feet; thence East on a line parallel with the Northern boundary line of said boundary line of said Government Lot 2, 320 feet, more or less, to the meander line of Lake Washington; thence Northerly along said meander line to a point East of the point of beginning; thence West 345 feet, more or less, to the point of beginning;

TOGETHER WITH shorelands of the Second Class in front thereof.

PLAT COVENANTS:

- 8302030219
- A-299292
62
1. Public and private utility easements include all means of access to utility facilities for construction and maintenance.
 2. The said access road described in Covenant No. 2 as recorded under Auditor's File No. 8111130749 jointly serving Lot 2 and Lot 3 does not exist. Instead Lot 2 shall have access by means of a private driveway through that portion of Lot 2 which adjoins Tract A. Access to Lot 3 shall be through that portion of Lot 3 which adjoins Tract A.
 3. Said owners of Tract A are to have an undivided one third interest in Tract A and said Tract A shall be jointly owned and maintained. The one third ownership in Tract A allocated to Lot 2 is for and only for, the purpose of maintaining utility easements that pertain to Lot 2. Lot 2 shall have no further privileges or responsibilities concerning Tract A. The remainder of the rights and responsibilities for Tract A including costs for improvements, modifications, reconstruction, maintenance, expenses and repairs etc., associated with Tract A will be shared jointly between Lot 2 and Lot 3.

Danny Win Mar
Danny Win Mar
Mary Lee Mar
Mary Lee Mar

Richard K. Getty
Richard K. Getty
Lee Ann Hobbs
Lee Ann Hobbs

Exhibit 1.2

Code Compliance Courtesy Notice, 09/17/2025 Page 1 of 2

EXHIBIT 1.2

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT
9611 SE 36TH STREET | MERCER ISLAND, WA 98040
PHONE: 206.275.7605 | www.mercer.gov



Code Compliance Courtesy Notice

09/17/2025

Property Owner(s):

1. RMM IRREVOCABLE TRUST + AMM IRREVOCABLE TRUST + ET AL
2. Christine & Dwight Schaeffer

Subject Property(s):

1. 6952 96th Ave SE
2. 6958 96th Ave SE

Code Compliance Case(s):

1. CE25-0077
2. CE25-0078

Hello,

The City of Mercer Island has received a complaint alleging that there is a new covered structure to store garbage bins and receive packages located on the tract and easement area just west of the subject properties listed above. Such structure violates the Mercer Island City Code (MICC), as laid out below:

1) Obstruction of Easements

There are multiple easements located on the subject tract area.

It appears the new structure is located on or over one or more easements which is in violation of MICC 19.02.020(H)(1) and (2):

MICC 19.02.020(H)(1): Vehicular access easements. No structures shall be constructed on or over any vehicular access easement. A minimum five-foot yard setback from the edge of any easement that affords or could afford vehicular access to a property is required for all structures; provided, that improvements such as gates, fences, rockeries, retaining walls and landscaping may be installed within the five-foot yard setback so long as such improvements do not interfere with emergency vehicle access or sight distance for vehicles and pedestrians.

MICC 19.02.020(H)(2): 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.

Corrective Actions

To avoid further code enforcement action, please perform the following corrective action(s) within thirty (30) days from the date of this notice.

- Remove the structure from all easement area, and;
- Schedule an inspection with myself to confirm compliance.

Exhibit 1.2

Code Compliance Courtesy Notice, 09/17/2025 Page 2 of 2

City staff will follow up after October 17, 2025; to confirm you have completed the required corrective actions listed above. If you have questions about this letter or the enforcement process, please contact me at 206-275-7764 or by email at grace.manahan@mercerisland.gov. Thank you for your cooperation.

Sincerely,

Grace Manahan

Grace Manahan
Code Compliance Planner
City of Mercer Island

Exhibit 1.3

Code Compliance Courtesy Notice Both Cases, Dated 10/17/2025

Exhibit 1.3.1

Code Compliance Courtesy Notice CE25-0077, 10/17/2025 Page 1 of 2

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT
9611 SE 36TH STREET | MERCER ISLAND, WA 98040
PHONE: 206.275.7605 | www.mercergov.org



Code Compliance Courtesy Notice

October 17, 2025

Property Owner(s):
RMM IRREVOCABLE TRUST + AMM IRREVOCABLE TRUST + ET AL
6952 96th Ave SE
Mercer Island WA 98040
Subject Parcel: 302405TR-A
Code Compliance Case: CE25-0077

Hello,

The City of Mercer Island has received a complaint alleging that there is a new automatic gate as well as a covered structure to store garbage bins and receive packages located on the subject tract parcel listed above. Staff conducted a site visit on October 3, 2025, and confirmed the alleged is correct and the required permits were not obtained.

A building permit is required per MICC 17.14.010(105.1) *Permits Required* - Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the construction codes and the Construction Administrative Code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

As part of the building permit application, it must be shown that all parties that have interest in Tract A have authorized the work and permit applications.

There are mapped geologically hazardous areas as well as a piped watercourse located on the subject tract. Per MICC 19.07.090(B)(2)(c) When development and/or activity is proposed on a site containing one or more critical areas a critical area review is required. A Critical Area Review 1 would be required if the proposed development meets the criteria in MICC 19.07.130 for Modifications. If none of these criteria apply, then a Critical Area Review 2 is required. Activities exempt from requiring a Critical Area Review can be found in MICC 19.07.120.

A Critical Area Review 1 can also be applied for to verify the presence or absence of a critical area per MICC 19.07.090(A)(1)(c)

To avoid further enforcement action please perform the following correction(s) within sixty (60) days of the date on this notice.

- Apply for all necessary permits that are required for the project and pay any applicable fees. No unauthorized work may be done until the necessary permit(s) have been approved. The responsible person(s) will have ninety (90) days to obtain all required permits once submittal of both a complete land use application and complete building permit application have been accepted for review.

City staff will follow up *after December 16, 2025* to confirm the necessary paperwork for the permit application has been submitted for the required permit(s). If you have questions about this letter or the enforcement process, please contact me at (206) 275-7764 or by email at Grace.Manahan@mercerisland.gov. Thank you for your cooperation.

Exhibit 1.3.1

Code Compliance Courtesy Notice CE25-0077, 10/17/2025 Page 2 of 2

Sincerely,

Grace Manahan

Grace Manahan

Code Compliance Planner

City of Mercer Island

Exhibit 1.3.2

Code Compliance Courtesy Notice Case CE25-0078, 10/17/2025 Page 1 of 2

Exhibit 1.3

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT
9611 SE 36TH STREET | MERCER ISLAND, WA 98040
PHONE: 206.275.7605 | www.mercerisland.gov



Code Compliance Courtesy Notice

October 17, 2025

Property Owner(s):

Christine & Dwight Schaeffer
6958 96th Ave SE
Mercer Island WA 98040

Subject Parcel: 302405TR-A

Code Compliance Case: CE25-0078

Dear Christine & Dwight Schaeffer,

The City of Mercer Island has received a complaint alleging that there is a new automatic gate as well as a covered structure to store garbage bins and receive packages located on the subject tract parcel listed above. Staff conducted a site visit on October 3, 2025, and confirmed the alleged is correct and the required permits were not obtained.

A building permit is required per MICC 17.14.010(105.1) *Permits Required* - Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the construction codes and the Construction Administrative Code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

As part of the building permit application, it must be shown that all parties that have interest in Tract A have authorized the work and permit applications.

There are mapped geologically hazardous areas as well as a piped watercourse located on the subject tract. Per MICC 19.07.090(B)(2)(c) When development and/or activity is proposed on a site containing one or more critical areas a critical area review is required. A Critical Area Review 1 would be required if the proposed development meets the criteria in MICC 19.07.130 for Modifications. If none of these criteria apply, then a Critical Area Review 2 is required. Activities exempt from requiring a Critical Area Review can be found in MICC 19.07.120.

A Critical Area Review 1 can also be applied for to verify the presence or absence of a critical area per MICC 19.07.090(A)(1)(c)

To avoid further enforcement action please perform the following correction(s) within sixty (60) days of the date on this notice.

- Apply for all necessary permits that are required for the project and pay any applicable fees. No unauthorized work may be done until the necessary permit(s) have been approved. The responsible person(s) will have ninety (90) days to obtain all required permits once submittal of both a complete land use application and complete building permit application have been accepted for review.

City staff will follow up *after* **December 16, 2025** to confirm the necessary paperwork for the permit application has been submitted for the required permit(s). If you have questions about this letter or the enforcement process, please contact me at (206) 275-7764 or by email at Grace.Manahan@mercerisland.gov. Thank you for your cooperation.

Exhibit 1.3.2

Code Compliance Courtesy Notice CE25-0078, 10/17/2025 Page 2 of 2

Sincerely,

Grace Manahan

Grace Manahan
Code Compliance Planner
City of Mercer Island

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT
3911 164TH STREET, AUBURN, WA 98001
(206) 835-7300

Code Compliance Courtesy Notice

October 27, 2025

Dear [Name],
I am writing to you regarding the [Project Name] located at [Address].
The [Project Name] is currently under review for [Code Type].
I have reviewed the [Code Type] and have identified the following [Code Type].
I am providing you with a list of the [Code Type] and the [Code Type].
I am providing you with a list of the [Code Type] and the [Code Type].

The [Code Type] is currently under review for [Code Type].
I have reviewed the [Code Type] and have identified the following [Code Type].
I am providing you with a list of the [Code Type] and the [Code Type].
I am providing you with a list of the [Code Type] and the [Code Type].

I am providing you with a list of the [Code Type] and the [Code Type].
I am providing you with a list of the [Code Type] and the [Code Type].
I am providing you with a list of the [Code Type] and the [Code Type].
I am providing you with a list of the [Code Type] and the [Code Type].

I am providing you with a list of the [Code Type] and the [Code Type].
I am providing you with a list of the [Code Type] and the [Code Type].
I am providing you with a list of the [Code Type] and the [Code Type].
I am providing you with a list of the [Code Type] and the [Code Type].

I am providing you with a list of the [Code Type] and the [Code Type].
I am providing you with a list of the [Code Type] and the [Code Type].
I am providing you with a list of the [Code Type] and the [Code Type].
I am providing you with a list of the [Code Type] and the [Code Type].

I am providing you with a list of the [Code Type] and the [Code Type].
I am providing you with a list of the [Code Type] and the [Code Type].
I am providing you with a list of the [Code Type] and the [Code Type].
I am providing you with a list of the [Code Type] and the [Code Type].

I am providing you with a list of the [Code Type] and the [Code Type].
I am providing you with a list of the [Code Type] and the [Code Type].
I am providing you with a list of the [Code Type] and the [Code Type].
I am providing you with a list of the [Code Type] and the [Code Type].

I am providing you with a list of the [Code Type] and the [Code Type].
I am providing you with a list of the [Code Type] and the [Code Type].
I am providing you with a list of the [Code Type] and the [Code Type].
I am providing you with a list of the [Code Type] and the [Code Type].

I am providing you with a list of the [Code Type] and the [Code Type].
I am providing you with a list of the [Code Type] and the [Code Type].
I am providing you with a list of the [Code Type] and the [Code Type].
I am providing you with a list of the [Code Type] and the [Code Type].

Exhibit 1.4

Notice of Violation, 2/19/26

Exhibit 1.4.1

Notice of Violation Case# CE25-0077, 2/19/26 page 1 of 3

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT
9611 SE 36TH STREET | MERCER ISLAND, WA 98040
PHONE: 206.275.7605 | www.mercergov.org



Notice of Violation

Pursuant to MICC 6.10.050, this Notice of Violation and Order to Correct is issued as follows:

Date of Notice Issuance: February 19, 2026

King County Tax Parcel # 302405TR-A

City of Mercer Island Compliance Case #: CE25-0077

Notification is being given to the following responsible person or persons:

1. RMA WA HOLDINGS MI LLC

6952 96th Ave SE

Mercer Island, WA 98040

One or more of the responsible persons named above are believed to be responsible for the following violations that have occurred or are occurring at the location(s) identified above:

- 1) Violation of MICC 19.07.090(B)(2)(c). When development and/or activity is proposed on a site containing geologically hazardous areas and one or more of the critical area types listed in subsection (B)(2)(a) of this section or the associated buffer of one of those critical areas, a critical area review 2 reviewing all critical areas is required to be reviewed and approved prior to construction authorization, using the procedures required for a Type 3 land use review.
- 2) Violation of MICC 17.14.010(105.1)- 105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the construction codes and the Construction Administrative Code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Facts Supporting Violation(s):

- On August 14, 2025, the City received a complaint alleging that a new structure and metal gate were built on the subject property.

Exhibit 1.4.1

Notice of Violation Case# CE25-0077, 2/19/26 page 2 of 3

- On October 3, 2025 City staff conducted a field inspection at the subject property and confirmed the alleged was correct.
- Multiple critical areas are mapped on the subject property, including geologically hazardous areas (seismic, potential slide, and erosion) as well as a piped watercourse and associated setback.
- On October 17, 2025, a Code Compliance Courtesy Notice was issued. This letter outlined the following corrective actions that were required to be completed within 60 days of issuance:
 - Apply for all necessary permits that are required for the project and pay any applicable fees. No unauthorized work may be done until the necessary permit(s) have been approved. The responsible person(s) will have ninety (90) days to obtain all required permits once submittal of both a complete land use application and complete building permit application have been accepted for review.
- On February 2, 2026, Code Compliance Planner Grace Manahan confirmed the outlined corrective actions were not completed.
 - The new structure and fence are violation(s) of city code as follows:
 - MICC 17.14.010(105.1) – The structure and gate require a building permit.
 - MICC 19.07.090(B)(2)(c) – The new garbage enclosure structure and gate are located in geologically hazardous areas and at least 1 other critical area (piped watercourse and associated setback) which requires a Critical Area Review 2 application.

The Responsible Person(s) are Ordered to Complete the Corrective Actions as Follows:

- 1) The responsible person(s) shall apply for all necessary permits that are required for the project and pay any applicable fees. No unauthorized work may be done until the necessary permit(s) have been approved. The responsible person(s) will have ninety (90) days to obtain all required permits once submittal of both a complete land use application and complete building permit application have been accepted for review, or;
- 2) The responsible person(s) shall apply for all necessary permits that are required to demolish the existing garbage enclosure structure and gate, bringing the tract back to its original configuration. No unauthorized work may be done until the necessary permit(s) have been approved. The responsible person(s) will have ninety (90) days to obtain all required permits once submittal of both a complete land use application and complete building permit application have been accepted for review.

The compliance date for completion of the Corrective Actions above is April 20, 2026.

If the violation is not corrected on or before April 20, 2026, and this notice is not appealed, the determination of violation is final, and daily penalties shall begin to accrue.

Pursuant to MICC 6.10.050, penalties for noncompliance with this Notice shall be as

Exhibit 1.4.1

Notice of Violation Case# CE25-0077, 2/19/26 page 3 of 3

follows:

- Civil penalty in the amount of One Hundred dollars (\$100) per day for each violation listed herein is hereby imposed and shall begin to accrue if Corrective Actions are not completed and the violations are not abated by the compliance date established above.
- Thirty days after the compliance date, civil penalty will increase to a rate of Two Hundred Fifty dollars (\$250) per day for each unabated violation.
- Sixty days after the compliance date, civil penalty will increase to a rate of Five Hundred dollars (\$500) per day for each unabated violation, up to a maximum total penalty of \$50,000 for each violation.
- Hold on Future Permits. The director may place a hold on the issuance of future permits on a property if:
 - A notice of violation or stop work order has been issued; and
 - The appeal period has passed, or an appeal was brought but it was dismissed; and
 - The violation has not been corrected and/or penalties or fines have not been paid; and
 - The permits relate to the violation.
- A hold on future permits will prevent the issuance of any land use or building permit for the subject property, and for the person responsible on any other property within the City, until the violation is resolved, corrective actions are taken, and penalties are paid. The director may use their discretion to issue exceptions to this subsection for emergencies or hazardous situations, or other situation they deem reasonable.

Appeal Procedure:

- Pursuant to [MICC 6.10.050\(B\)\(5\)](#), any person identified in a notice of violation (or supplemental notice of violation) as a person responsible for a violation may appeal the same within 14 days of service, according to the procedures described in MICC [6.10.090](#). Failure to appeal the notice within 14 days shall render the notice a final determination that the conditions described therein existed and constitutes a code violation, that assessed and accrued civil penalties are due, and that the named party is liable as a person responsible. An Appeal form can be found at: <https://www.mercerisland.gov/cpd/page/appeals>

If you would like to discuss the resolution of this code case or schedule a compliance inspection, please contact me by email at grace.manahan@mercerisland.gov. Thank you for your cooperation.

Sincerely,
Grace Manahan
Code Compliance Planner
City of Mercer Island, Community Planning and Development

Exhibit 1.4.2

Notice of Violation Case# CE25-0078, 2/19/26 page 1 of 3

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT
9611 SE 36TH STREET | MERCER ISLAND, WA 98040
PHONE: 206.275.7605 | www.mercergov.org



Notice of Violation

Pursuant to MICC 6.10.050, this Notice of Violation and Order to Correct is issued as follows:

Date of Notice Issuance: February 19, 2026

King County Tax Parcel # 302405TR-A

City of Mercer Island Compliance Case #: CE25-0078

Notification is being given to the following responsible person or persons:

1. Christine & Dwight Schaeffer
6958 96th Ave SE
Mercer Island, WA 98040

One or more of the responsible persons named above are believed to be responsible for the following violations that have occurred or are occurring at the location(s) identified above:

- 1) Violation of MICC 19.07.090(B)(2)(c). When development and/or activity is proposed on a site containing geologically hazardous areas and one or more of the critical area types listed in subsection (B)(2)(a) of this section or the associated buffer of one of those critical areas, a critical area review 2 reviewing all critical areas is required to be reviewed and approved prior to construction authorization, using the procedures required for a Type 3 land use review.
- 2) Violation of MICC 17.14.010(105.1)- 105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the construction codes and the Construction Administrative Code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Facts Supporting Violation(s):

- On August 14, 2025, the City received a complaint alleging that a new structure and metal gate were built on the subject property.

Exhibit 1.4.2

Notice of Violation Case# CE25-0078, 2/19/26 page 2 of 3

- On October 3, 2025 City staff conducted a field inspection at the subject property and confirmed the alleged was correct.
- Multiple critical areas are mapped on the subject property, including geologically hazardous areas (seismic, potential slide, and erosion) as well as a piped watercourse and associated setback.
- On October 17, 2025, a Code Compliance Courtesy Notice was issued. This letter outlined the following corrective actions that were required to be completed within 60 days of issuance:
 - Apply for all necessary permits that are required for the project and pay any applicable fees. No unauthorized work may be done until the necessary permit(s) have been approved. The responsible person(s) will have ninety (90) days to obtain all required permits once submittal of both a complete land use application and complete building permit application have been accepted for review.
- On February 2, 2026, Code Compliance Planner Grace Manahan confirmed the outlined corrective actions were not completed.
 - The new structure and fence are violation(s) of city code as follows:
 - MICC 17.14.010(105.1) – The structure and gate require a building permit.
 - MICC 19.07.090(B)(2)(c) – The new garbage enclosure structure and gate are located in geologically hazardous areas and at least 1 other critical area (piped watercourse and associated setback) which requires a Critical Area Review 2 application.

The Responsible Person(s) are Ordered to Complete the Corrective Actions as Follows:

- 1) The responsible person(s) shall Apply for all necessary permits that are required for the project and pay any applicable fees. No unauthorized work may be done until the necessary permit(s) have been approved. The responsible person(s) will have ninety (90) days to obtain all required permits once submittal of both a complete land use application and complete building permit application have been accepted for review, or;
- 2) The responsible person(s) shall apply for all necessary permits that are required to demolish the existing garbage enclosure structure and gate, bringing the tract back to its original configuration. No unauthorized work may be done until the necessary permit(s) have been approved. The responsible person(s) will have ninety (90) days to obtain all required permits once submittal of both a complete land use application and complete building permit application have been accepted for review.

The compliance date for completion of the Corrective Actions above is April 20, 2026.

If the violation is not corrected on or before April 20, 2026, and this notice is not appealed, the determination of violation is final, and daily penalties shall begin to accrue.

Pursuant to MICC 6.10.050, penalties for noncompliance with this Notice shall be as

Exhibit 1.4.2

Notice of Violation Case# CE25-0078, 2/19/26 page 3 of 3

follows:

- Civil penalty in the amount of One Hundred dollars (\$100) per day for each violation listed herein is hereby imposed and shall begin to accrue if Corrective Actions are not completed and the violations are not abated by the compliance date established above.
- Thirty days after the compliance date, civil penalty will increase to a rate of Two Hundred Fifty dollars (\$250) per day for each unabated violation.
- Sixty days after the compliance date, civil penalty will increase to a rate of Five Hundred dollars (\$500) per day for each unabated violation, up to a maximum total penalty of \$50,000 for each violation.
- Hold on Future Permits. The director may place a hold on the issuance of future permits on a property if:
 - A notice of violation or stop work order has been issued; and
 - The appeal period has passed, or an appeal was brought but it was dismissed; and
 - The violation has not been corrected and/or penalties or fines have not been paid; and
 - The permits relate to the violation.
- A hold on future permits will prevent the issuance of any land use or building permit for the subject property, and for the person responsible on any other property within the City, until the violation is resolved, corrective actions are taken, and penalties are paid. The director may use their discretion to issue exceptions to this subsection for emergencies or hazardous situations, or other situation they deem reasonable.

Appeal Procedure:

- Pursuant to [MICC 6.10.050\(B\)\(5\)](#), any person identified in a notice of violation (or supplemental notice of violation) as a person responsible for a violation may appeal the same within 14 days of service, according to the procedures described in MICC [6.10.090](#). Failure to appeal the notice within 14 days shall render the notice a final determination that the conditions described therein existed and constitutes a code violation, that assessed and accrued civil penalties are due, and that the named party is liable as a person responsible. An Appeal form can be found at: <https://www.mercerisland.gov/cpd/page/appeals>

If you would like to discuss the resolution of this code case or schedule a compliance inspection, please contact me by email at grace.manahan@mercerisland.gov. Thank you for your cooperation.

Sincerely,
Grace Manahan
Code Compliance Planner
City of Mercer Island, Community Planning and Development

Exhibit 2

Property Description

Exhibit 2.1

Planforms of Hobbs-Getty short plat lots

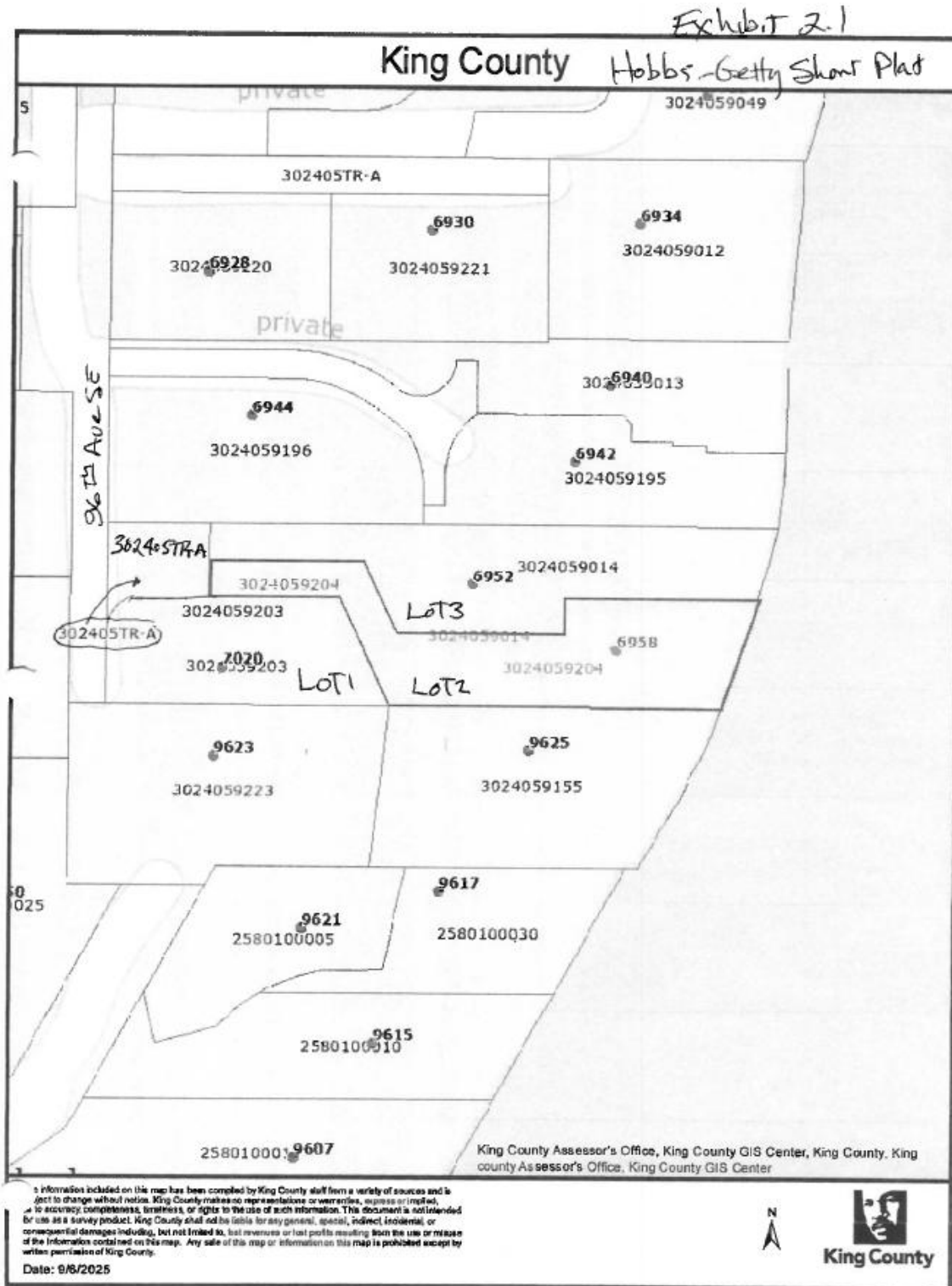


Exhibit 2.2

Tract A planform and storm drain easement details

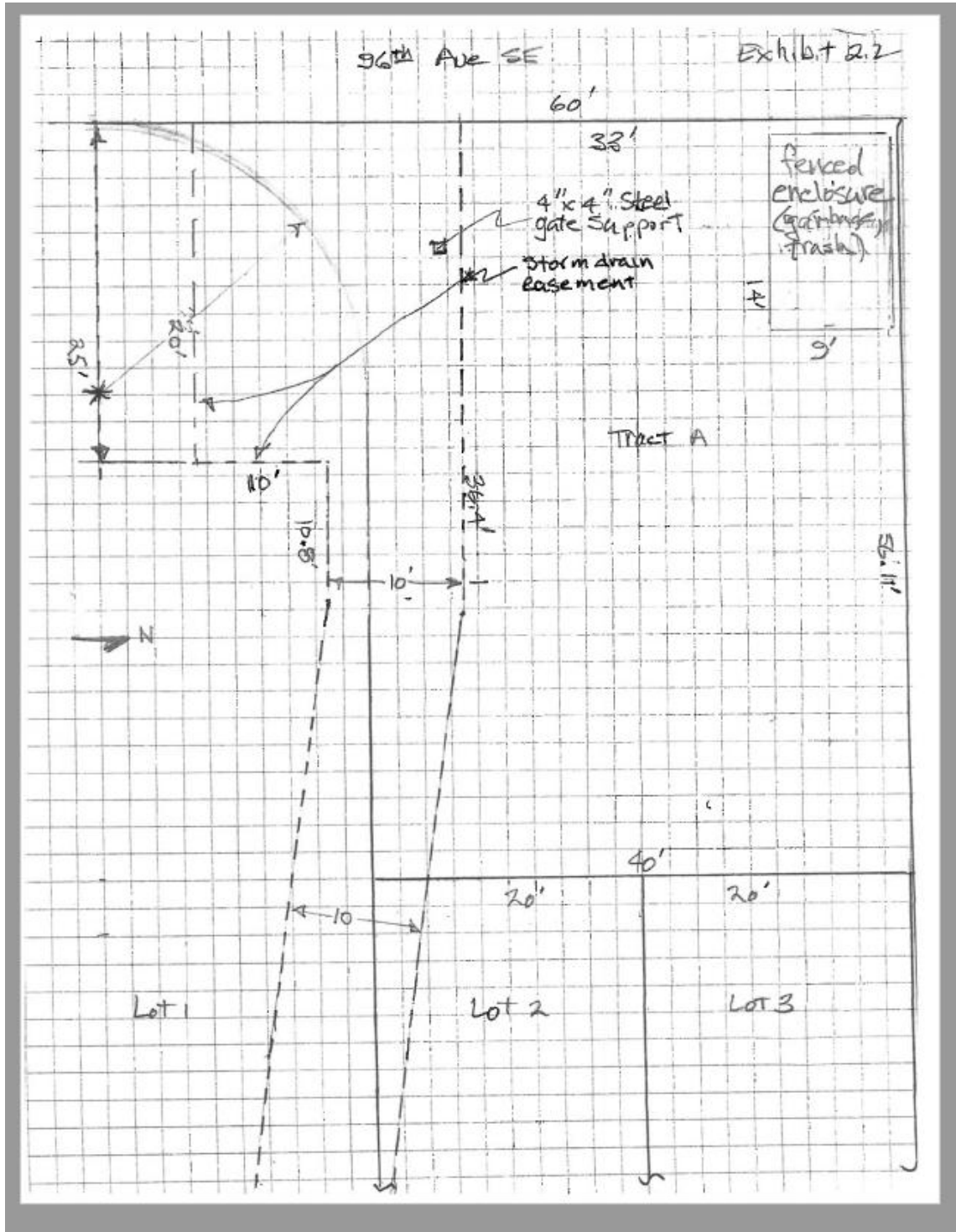


Exhibit 2.3

Landslide, Contours, Storm Drains: Hobbs Short Plat

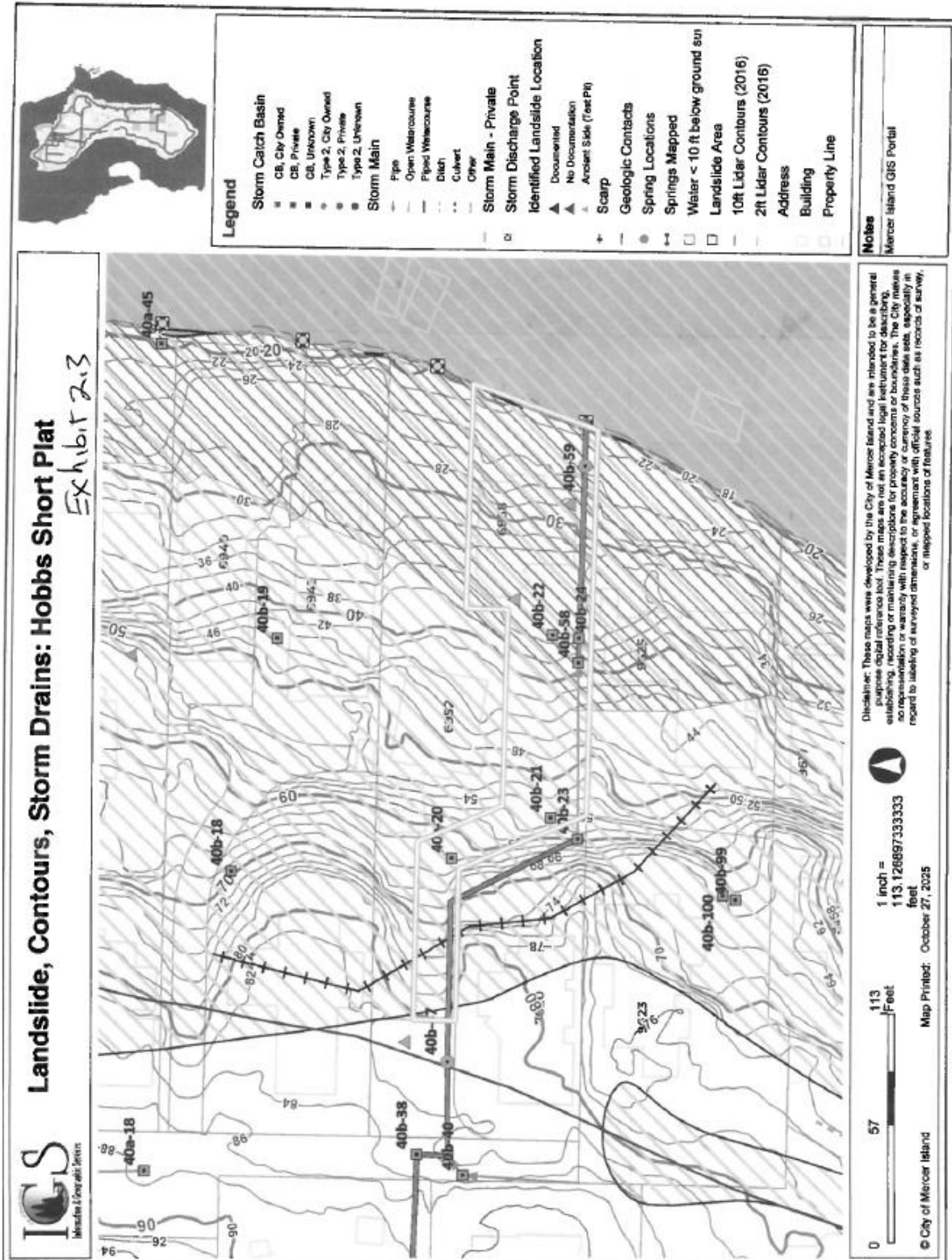


Exhibit 3

Environmental Hazard Areas

Exhibit 3.1

Landslide, Scarps, Springs, Protected Slopes

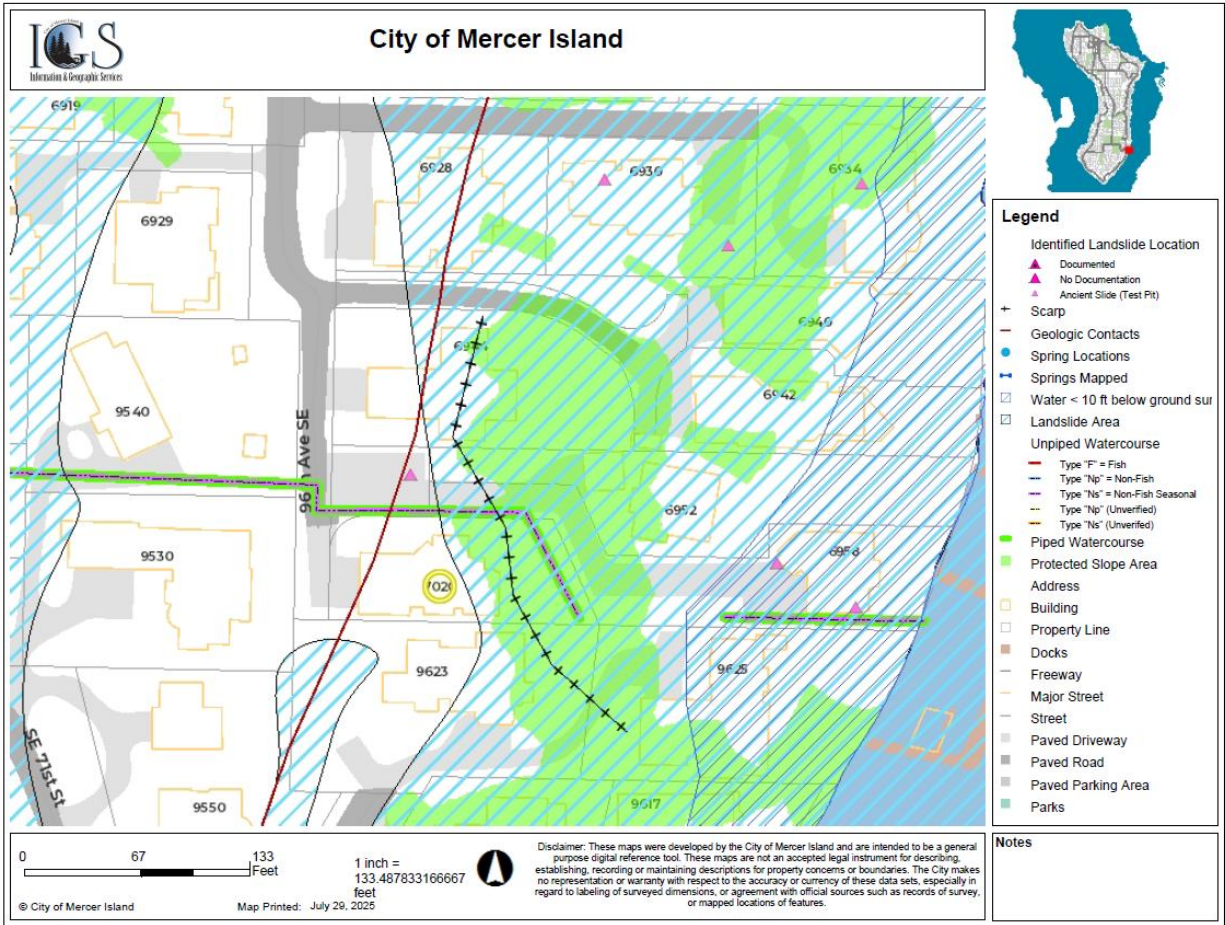


Exhibit 4

Tract A Improvement Photos

Exhibit 4.1

View from northwest



Exhibit 4.2

View from southwest



Exhibit 4.3

View from southeast



Exhibit 4.4

View from northeast



Exhibit 4.5

Fenced Garbage Area

Exhibit 4.5.1

View from east



Exhibit 4.5.2

View from west



Exhibit 4.5.3

Fire department emergency switch (KnoxBox)



Exhibit 4.5.4

View of parcel locker from southwest



Exhibit 5

Geotechnical Report from GEO Group Northwest



March 5, 2026

G-6430

Ms. Joanna Russell
1402 – E Pike St
Seattle, Washington 98122
Email: joanna@nwcc.us.com
Phone: (206) 423-3105

Subject: Geotechnical Engineering Evaluation
Garbage Can Enclosure & Security Gate
King County Parcel #: 302405TR-A
Mercer Island, Washington 98040

Dear Ms. Russell,

At your request, GEO Group Northwest, Inc., conducted a geotechnical engineering evaluation of the recently constructed garbage can enclosure and electronic/mechanical driveway security gate located at the above-subject project site in Mercer Island, Washington. The scope of our services included review of the area geologic map; review of previous geotechnical exploration within the project vicinity; qualitative assessment of the seismic geologically hazardous areas at and near the project location; and preparation of this report of our findings, conclusions, and recommendations.

SITE DESCRIPTION

The project site is located in southeast Mercer Island, Washington, as illustrated in Plate 1 – Site Location Map. The site is approximately rectangular in shape, with the exception of a pointed extension at the southwest property corner, and consists of approximately 2,400 square feet (0.06 acres). The site descends eastward at very gentle inclinations. It is co-owned by the owners of the adjacent residential developed properties to the east. Its primary purpose is to function as an ingress-egress driveway and parking area for the east-adjacent waterfront properties, and also to

serve as a garbage service and package receiving location. The site is otherwise bounded by 96th Avenue Southeast to the west, and by residential-developed properties to the south and north.

GEOLOGIC OVERVIEW

According to the published geologic mapping of the area¹, the site is underlain with coarse-grained nonglacial (Qponc) deposits which precede the Olympia Interglaciation time period which began approximately 60,000 years ago. These coarse-grained nonglacial deposits typically consist of sand and gravel with varying amounts of silt. The deposits are inferred to originate from nonglacial origins based on evidence of ancient organics and tephra layers, and are typically found to be very dense when unweathered. The geologic mapping of the site vicinity is provided on Plate 2 – Geologic Map to this report.

GARBAGE CAN ENCLOSURE AND SECURITY GATE

We understand that a garbage can enclosure and security gate were recently constructed in the west part of the site. The garbage can enclosure consists of an approximately 9-foot by 14-foot concrete slab and wooden trellis, surrounded by a wooden fence. The garbage can enclosure is not an enclosed building structure. The security gate consists of an electronic/mechanical gate supported by two 4-inch by 4-inch steel posts with exterior wooden facia. The security gate is located near the western property line. We understand that a notice of violation was issued by the City of Mercer Island Community Planning and Development department due to the construction. The recently constructed site elements are depicted on Plate 3 – Site Geologic Hazards Map.

SITE INVESTIGATION

Surface Conditions & Recent Site Improvements

On March 2, 2026, Mr. Garrett Dean, staff engineering geologist from our firm completed a reconnaissance of the visible soil and surface conditions at the site. We observed that the project site was mostly surfaced with pavers, although mulched and vegetated landscaping areas are

¹ Troost, K.G., and Wisher, A.P., 2006, **Geologic Map of Mercer Island, Washington**, 1:12,000.

present at portions of the north, south, and west perimeters. We observed that the garbage can enclosure and security gate elements were present and as described above.

Review of Previous Geotechnical Exploration by Others

Cascade Testing Laboratory, Inc. Study, Hobbs Property – June 1981

We reviewed a geotechnical report prepared for the property in June 1981 (prior to short-platting) by Cascade Testing Laboratory, Inc. Based on our review, we understand that one test pit (TP-4) was excavated near the project area.

Test Pit TP-4, excavated with a backhoe, was reportedly located near the east site perimeter, at approximately similar elevations as the project. The soils reportedly encountered in Test Pit TP-4 consisted of approximately 8 inches of loose, organic-rich, silty sand topsoil, underlain with loose to medium dense, silty fine sand to a depth of approximately 2.5 feet below the ground surface (bgs). Stiff sandy silt was reportedly encountered between approximately 2.5 to 4.5 feet bgs, underlain with interbedded, medium dense to dense, variably silty and gravelly sand and medium stiff to stiff, sandy silt to the total depth of the test pit, approximately 11 feet bgs. Reportedly, neither groundwater seepage nor caving of the excavation cut walls were observed during excavation.

Interpretation of Reported Subsurface Findings

We interpret the loose to medium dense, sandy (and medium stiff to stiff, silty) soils reportedly encountered in the previous test pit to be generally consistent with pre-Olympia non-glacial soils of the area. For more information about the soils encountered in the test pit, refer to the referenced study attached as Appendix A to this report.

GEOLOGIC HAZARD AREAS REVIEW

We reviewed available geologic hazard areas information on the City of Mercer Island GIS Portal. The information indicates that the project site is located within a seismic hazard area and near a potential landslide area to the east. These geologic hazard areas are shown on Plate 3 – Site Geologic Hazards Map.

Potential Landslide Hazard Area Evaluation

A landslide scarp is identified east of the project site by the local geologic and GIS mapping, although no documentation of the slide event appears to be available. Based on our understanding and experience with the soil conditions underlying the project site and adjacent properties, we suspect that this landslide consisted of a shallow slump within potentially over-saturated and/or over-steepened slope inclinations, rather than a deep-seated, rotational slide event.

During our investigation we did not observe indications of active or recent soil instability or landsliding on the site property. The potential landslide hazard area identified within the east-adjacent properties was observed to be either well-vegetated with various trees and ornamental vegetation, surfaced with mulch or concrete, or developed with single-family residential homes. Surface seeps, springs, tension cracks, or other signs of instability were not observed on these properties during our site visit either.

The project in question consisted of constructing a fenced approximately 9'x14' concrete pad and two accessory posts to support the security gate. The improvements are located a minimum of approximately 40 feet from the west limit of the potential landslide hazard area. This is beyond the standard minimum 25-foot buffer from shallow landslide hazard areas, and is an acceptable distance from the potential landslide hazard at the site, in our opinion.

In our opinion, the risk of landslide or soil movement at the site is very low, and the project has not presented an additional risk to the stability of the site or adjacent properties. In our opinion, the development is conformant to the criteria outlined in Mercer Island City Code (MICC) 19.07.160.B.2.a-d.

Seismic Hazard Area Evaluation

In our opinion, the seismic hazard area at the site has minimal susceptibility to soil liquefaction or lateral soil spreading due to seismic events based on the presence of soils containing a high fraction of fine- and coarse-grained material, and the unsaturated soil conditions, as reported from previous subsurface exploration activities. Based on our observations at the site and from our review of the United States Geological Survey and Washington Geological Survey map databases, no recent or historical fault ruptures have been identified on or near the site.

Therefore, the 50-foot minimum buffer from fault traces outlined in (MICC) 19.07.160.D.3 is not applicable to the project in our opinion.

Statement of Risk

We understand that per MICC 19.07.160.B.3., alteration of landslide hazard areas, seismic hazard areas, and associated buffers may occur if the conditions listed in subsection (B)(2) of this section are satisfied and the geotechnical professional provides a statement of risk matching one of the following:

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

In our opinion, criterion “d” is met. It is our opinion that the development is so minor as not to pose a threat to the public health, safety and welfare.

Hazard Mitigation

We did not observe exposed soils adjacent the project area. Therefore, our typical hazard mitigation recommendation, consisting of re-vegetating and mulching soils exposed from the activities of a construction project to provide protection against soil movement or erosion, has already been employed and is acceptable, in our opinion. No further hazard mitigation items are recommended for the project, in our opinion.

CONCLUSIONS

Based on the results of our study, the recently constructed site improvements have been founded on an acceptable bearing medium; and they have been constructed such that there will be no adverse impacts to the seismic or potential landslide geologically hazardous areas, the project site or adjacent properties, and vice versa.

LIMITATIONS

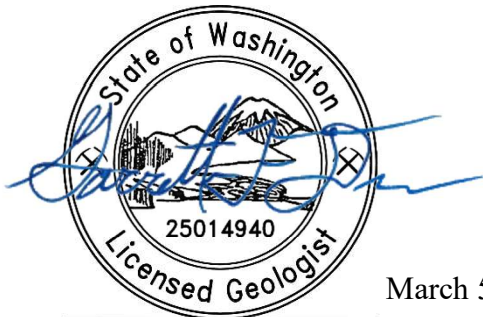
The findings and recommendations stated herein are based on field observations, our experience on similar projects and our professional judgment. The recommendations presented herein are our professional opinions derived in a manner consistent with the level of care and skill ordinarily exercised by other members of the profession currently practicing under similar conditions in this area and within the project schedule and budget constraints. No warranty is expressed or implied. In the event that site conditions are found to differ from those described in this report, we should be notified so that the relevant recommendations in this report can be reevaluated and modified if appropriate.

CLOSING

We appreciate the opportunity to provide you with geotechnical engineering services for this project. Please do not hesitate to contact us if you have any questions regarding this report.

Sincerely,

GEO GROUP NORTHWEST, INC.



March 5, 2026

Garrett F Dean

Garrett Dean, L.G.
Staff Engineering Geologist

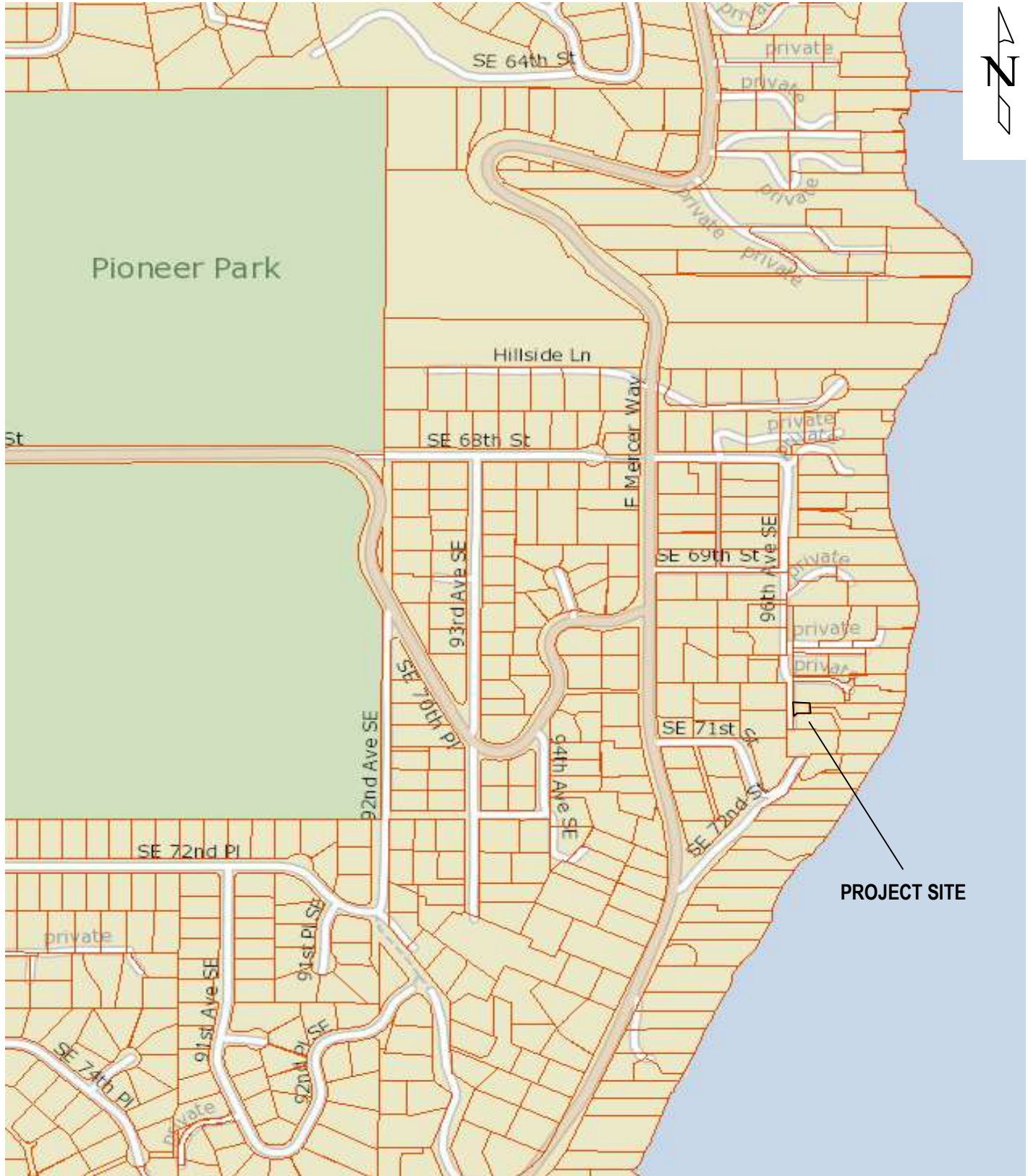


March 5, 2026

William Chang, P.E.
Principal Engineer

Plates and Appendices:

- Plate 1 – Site Location Map
- Plate 2 – Geologic Map
- Plate 3 – Site Geologic Hazards Map
- Appendix A – Subsurface Geotechnical Investigation, Hobbs Property, Cascade Testing Laboratory, Inc., June 16, 1981



Source: King County iMap, March 2026.



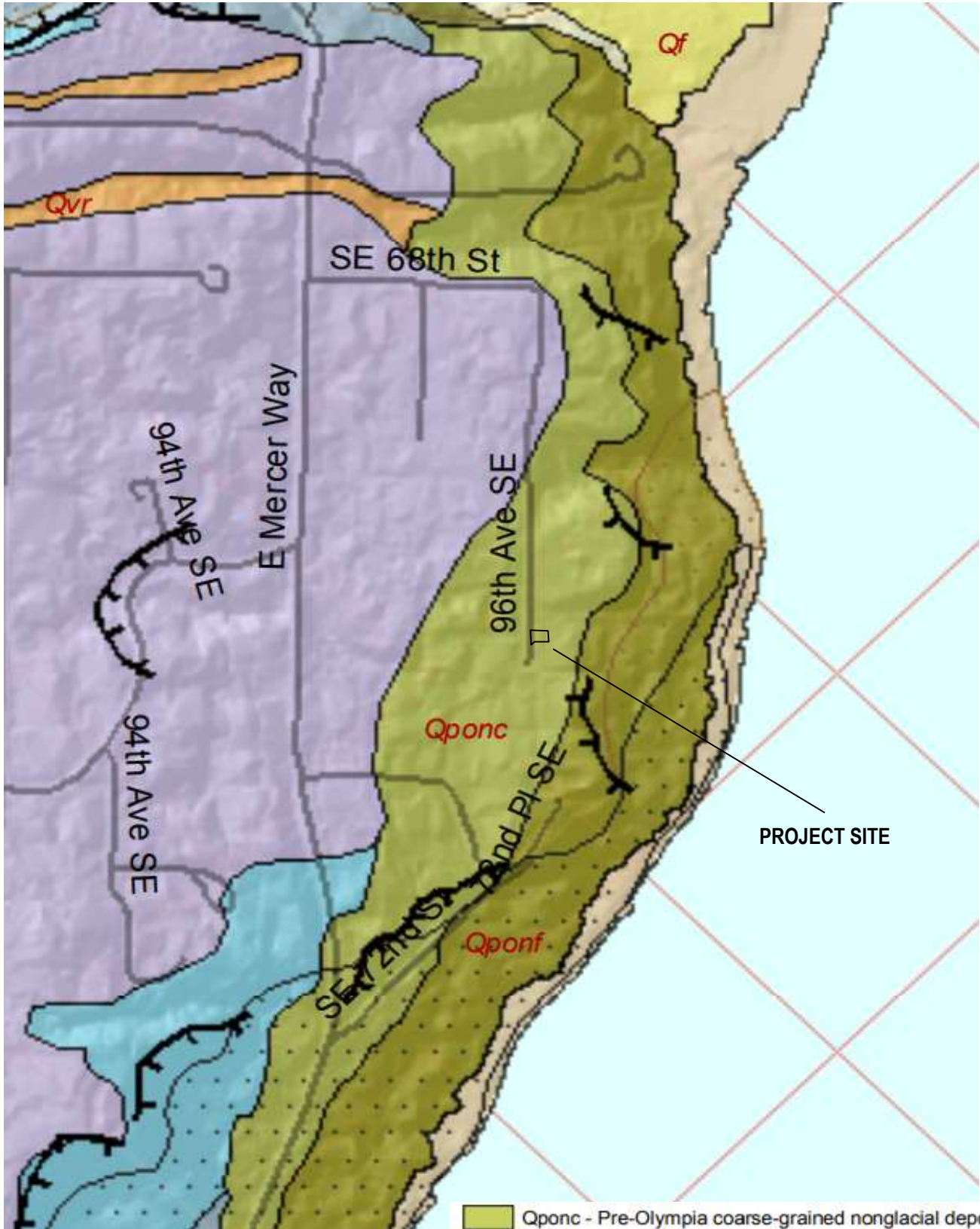
Group Northwest, Inc.

Geotechnical Engineers, Geologists, &
Environmental Scientists

SITE LOCATION MAP

**GARBAGE CAN ENCLOSURE AND SECURITY GATE
KING COUNTY PARCEL #: 302405TR-A
MERCER ISLAND, WASHINGTON 98040**

SCALE	NONE	DATE	3/5/2026	MADE	GD	CHKD	WC	JOB NO.	G-6430	PLATE	1
-------	------	------	----------	------	----	------	----	---------	--------	-------	---



Source: Troost, K.G., Booth, D.B., Wisler, A.P., 2006, Geologic Map of Mercer Island, Washington, 1:12,000.



Group Northwest, Inc.

Geotechnical Engineers, Geologists, &
Environmental Scientists

GEOLOGIC MAP

**GARBAGE CAN ENCLOSURE AND SECURITY GATE
KING COUNTY PARCEL #: 302405TR-A
MERCER ISLAND, WASHINGTON 98040**

SCALE	NONE	DATE	3/5/2026	MADE	GD	CHKD	WC	JOB NO.	G-6430	PLATE	2
-------	------	------	----------	------	----	------	----	---------	--------	-------	---



City of Mercer Island



Legend

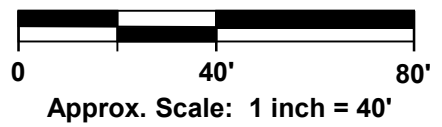
- Storm Catch Basin
 - CB, City Owned
 - CB, Private
 - CB, Unknown
 - Type 2, City Owned
 - Type 2, Private
 - Type 2, Unknown
- Storm Main - Private
- Storm Discharge Point
- Scarp
- Spring Locations
- Springs Mapped
- Landslide Area
- 10ft Lidar Contours (20)
- 2ft Lidar Contours (20)
- Unpipied Watercourse
 - Type "F" = Fish
 - Type "Np" = Non-Fish
 - Type "Ns" = Non-Fish (Unverified)
 - Type "Np" (Unverified)
 - Type "Ns" (Unverified)
- Piped Watercourse
- Watercourse Buffer/S
 - Type "F" = 120-Ft Buff
 - Type "Np" = 80-Ft Buff
 - Type "Ns" = 60-Ft Buff
 - Type "Np" Unverified =
 - Type "Ns" Unverified =
 - Piped Type F/Np/Ns =
- Sleep Slope
- Seismic
- Address
- Building
- Property Line
- Docks
- Freeway
- Major Street
- Street
- Parks

1: 380

Disclaimer: These maps were developed by the City of Mercer Island and are intended to be a general purpose digital reference tool. These maps are not an accepted legal instrument for describing, establishing, recording or maintaining descriptions for property concerns or boundaries. The City makes no representation or warranty with respect to the accuracy or currency of these data sets, especially in regard to labeling of surveyed dimensions, or agreement with official sources such as records of survey, or mapped locations of features.

© City of Mercer Island Map Printed: March 5, 2026

Notes



Group Northwest, Inc.
Geotechnical Engineers, Geologists, & Environmental Scientists

SITE GEOLOGIC HAZARDS MAP

GARBAGE CAN ENCLOSURE AND SECURITY GATE
KING COUNTY PARCEL #: 302405TR-A
MERCER ISLAND, WASHINGTON 98040

Source: City of Mercer Island GIS, March 2026.

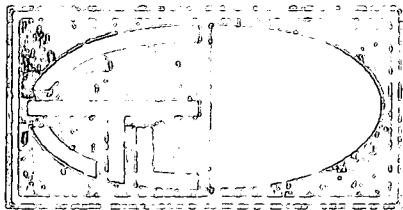
SCALE	AS SHOWN	DRAWN BY	GD	CHECKED BY	WC	DATE	3/5/2026	PROJECT NO.	G-6430	PLATE	3
-------	----------	----------	----	------------	----	------	----------	-------------	--------	-------	---



APPENDIX A

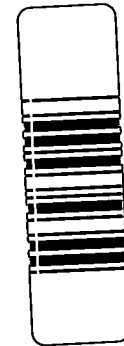
G-6430

**SUBSURFACE GEOTECHNICAL INVESTIGATION, HOBBS PROPERTY,
CASCADE TESTING LABORATORY, INC., JUNE 16, 1981**



Cascade Testing Laboratory, Inc.

TESTING & INSPECTION • ENGINEERS • GEOLOGISTS





CASCADE TESTING LABORATORY, INC.
TESTING & INSPECTION / ENGINEERS / GEOLOGISTS

14120 N.E. 21st STREET
BELLEVUE, WASHINGTON 98007

(206) 641-2573

SEATTLE
EVERETT

(206) 525-6700
(206) 259-0817

June 26, 1981
Cert. No. 815-65G

Ms. Lee Ann Hobbs
c/o Cole and Associates, Ltd.
8250 165th Avenue N.E.
Redmond, WA 98052

Attention: Mr. Arnold Zirkle

Reference: Addendum to Subsurface Geotechnical Investigation
Hobbs Property
S.E. 71st Street
Mercer Island, Washington

Dear Mr. Zirkle:

In response to your request, this letter is written to address two (2) considerations regarding the above referenced project which were not specifically addressed in our June 16, 1981, report.

First, for vertical or near vertical cuts three (3) feet or less in height we would anticipate that these cuts would not need to be retained assuming that the cuts would be in natural, undisturbed soils; use of a well-constructed rockery or slopes cut not to exceed a maximum of two (2) horizontal to one (1) vertical should be sufficient for these areas. Should a rockery not be utilized we strongly recommend that the cut slopes be seeded or planted to adequately prevent against erosion as soon as is practicable. As stated in our June 16, 1981, report, that for cuts in artificial fill soils, we would recommend that gabion retainage be utilized regardless of the magnitude of the vertical height.

CASCADE TESTING LABORATORY, INC.
TESTING & INSPECTION / ENGINEERS / GEOLOGISTS

June 26, 1981
Cert. No. 815-65G
Ms. Lee Ann Hobbs
Page 2

Second, the angle at which the gabions should be oriented back into the cut, should be on the order of between six (6) horizontal to one (1) vertical and twelve (12) horizontal to one (1) vertical. It has been our experience that an orientation of six (6) horizontal to one (1) vertical is the most aesthetically pleasing.

Enclosed are copies of two (2) brochures detailing gabion construction from a manufacturer's point of view.


We trust that this additional information will be of help. Should you have any additional questions or require further assistance with this or another project, please feel free to contact us.

Sincerely,

CASCADE TESTING LABORATORY, INC.



Charles C. May, P.E.



Jay T. Schiering
Engineering Geologist

JTS:mjg
Enclosures

SUBSURFACE GEOTECHNICAL INVESTIGATION

HOBBS PROPERTY

S.E. 71ST STREET

MERCER ISLAND, WASHINGTON

CERT. NO. 815-65G



CASCADE TESTING LABORATORY, INC.
TESTING & INSPECTION / ENGINEERS / GEOLOGISTS

14120 N.E. 21st STREET
BELLEVUE, WASHINGTON 98007

(206) 641-2573

SEATTLE
EVERETT

(206) 525-6700
(206) 259-0817

June 16, 1981
Cert. No. 815-65G

Ms. Lee Ann Hobbs
c/o Cole and Associates Ltd.
8250 165th Avenue N.E.
Redmond, Washington 98052

Attention: Mr. Arnold Zirkle

Reference: Subsurface Geotechnical Investigation
Hobbs Property
S.E. 71st Street
Mercer Island, Washington

Dear Ms. Hobbs and Mr. Zirkle:

In response to your authorization, we have performed a subsurface geotechnical investigation at the above referenced property to evaluate subsurface soil types, conditions and distributions and to present conclusions and recommendations regarding apparent slope stability, retainage, erosion control and general developmental procedures.

We understand that the project is to consist of the construction of an asphalt driveway which will serve as access for the property when it is subdivided. We understand additionally that construction of this driveway will require maximum cuts on the order of eight (8) to ten (10) feet in vertical or near vertical height.

The scope of our investigation consisted of an extensive visual reconnaissance of the property and its surrounding area, and the performance of four (4) backhoe test pits on June 11, 1981, at the direction and in the presence of an engineering geologist from this office.

June 16, 1981
Cert. No. 815-65G
Ms. Lee Ann Hobbs
Page 2

All references to elevations and relative grades used in this report are estimates based upon observed topography at the time of field work and a topographic site plan and cross sections supplied to us for our use.

SITE LOCATION AND DESCRIPTION

The property is located on S.E. 71st Street, Mercer Island, Washington, and measures approximately one hundred (100) feet in a north-south direction and three hundred thirty (330) feet in an east-west direction. Lake Washington borders the property to the east.

Topography across the property slopes downward in elevation from west to east, the steepest area located in the vicinity of the eastern portion of the proposed driveway. It was apparent that the topography had been at least partially modified over the years for both access and landscaping reasons.

Vegetation consists chiefly of a grass lawn, various shrubs, a few maple, cedar and fruit trees, a dogwood tree and a madrona tree.

A concrete foot path connected a concrete driveway, carport and garage area on the upper, western portion of the site with a two (2) story house on the lower, eastern portion of the site.

Slight surface seepage and wet surficial soil conditions were observed southwest and upslope of the house in the vicinity of the underground water line.

June 16, 1981
Cert. No. 815-65G
Ms. Lee Ann Hobbs
Page 3

STRATIGRAPHY AND HYDROLOGY

Subsurface soil types, conditions and distributions are best illustrated by the accompanying test pit logs.

In general, the site is underlain to an undetermined depth by interbedded, medium stiff to stiff, blue-gray, variably sandy, clayey silt and medium dense, blue-gray, slightly gravelly, variably clayey, variably silty sand. These blue-gray soils were encountered at and below six (6) feet below surface grade in test pit 1 and eight and one-half (8-1/2) feet in test pit 2.

Overlying these basal soils in test pits 1 and 2 were a medium stiff, oxidized orange, tan and gray-tan, sandy, clayey silt and a medium dense, slightly mottled orange and gray-tan, gravelly, silty sand.

Covering the oxidized soils were medium stiff and medium dense, blue-gray soils of similar composition to the basal, natural, undisturbed, blue-gray soils. These upper, blue-gray soils may be artificial fill soils that may have been placed during the landscaping operations.

Surficially covering the site in the vicinities of test pits 1 and 2 were two (2) to two and one-half (2-1/2) feet of surficial, artificial fill and remnant organic soils composed of varying percentages of gravel, silt and sand in medium stiff and loose to medium dense conditions.

June 16, 1981
Cert. No. 815-65G
Ms. Lee Ann Hobbs
Page 4

Encountered at depth in test pits 3 and 4, and interpreted to overlie the basal, natural, undisturbed, blue-gray soils, was interbedded medium dense to dense, oxidized orange, brown, tan and gray-tan, variably gravelly, variably silty sand and medium stiff to stiff, gray-tan, sandy silt. A two (2) foot thickness of stiff, mottled orange, tan and tan-gray, sandy silt was encountered overlying the aforementioned soils in test pit 4 between two and one-half (2-1/2) and four and one-half (4-1/2) feet below surface grade.

A two (2) to two and one-half (2-1/2) foot thickness of underlying, loose to medium dense, oxidized orange and brown, silty, fine sand and overlying, loose, black, organic-rich, silty sand covered the site in the vicinities of test pits 3 and 4.

Hydrologically, slight to moderate seepage at various elevations was encountered in test pits 1, 2 and 3 with the majority of subsurface soils expressing moist to wet conditions. While no true groundwater table was established, zones of perched and trapped water were encountered. Subsurface hydrologic conditions may vary significantly on a seasonal basis.

CONCLUSIONS AND RECOMMENATIONS

Based upon the results of our field investigation, office analysis and an understanding of the proposed development, the following conclusions and recommendations are presented.

June 16, 1981
Cert. No. 815-65G
Ms. Lee Ann Hobbs
Page 5

Gabion Retainage

It is our conclusion that for cuts between three (3) to ten (10) feet in vertical or near vertical height, subsurface soil types, conditions and distributions are not compatible with the utilization of simple erosion control measures, such as rockery construction. Because of the high degree of compositional and hydrologic variability within the subsurface soils, it is our recommendation that cuts between three (3) to ten (10) feet in vertical height be retained by means of a gabion retainage system. Use of this gabion retainage system would incorporate the advantages of structural flexibility and a relatively free draining medium as integral parts of the system.

We would anticipate that all gabions would measure three (3) feet by three (3) feet by six (6) feet. Lower and middle tiers of double baskets should underlie an upper tier of single baskets; all gabions should be oriented parallel to the cut face with the baskets of the middle tier being offset three (3) feet, or centered over the ends of the baskets in the lower and upper tiers.

All gabions should be fastened together properly in accordance with the manufacturer's specifications. The gabions should be angled back into the slope slightly with a bedding course of free draining sand a few inches in thickness placed below the lower tier of baskets. Beneath the bedding sand should be the natural, undisturbed soils or on a similar firm subbase approved as acceptable by the soils engineer. A generalized sketch of the proposed gabion retainage system accompanies this report.

June 16, 1981
Cert. No. 815-65G
Ms. Lee Ann Hobbs
Page 6

The gabions should be placed in a "stepped" configuration as the height of the vertical or near vertical cut decreases. We recommend that the downslope gabions in the area of the maximum cut be placed first as a means to maintain positive gravity drainage during construction.

The cut behind the gabions should be such as to allow the placement of a relatively free draining, sand and gravel, "pit run" material. This free draining material generally should conform with Washington State Highway Specification Section 9-03.12(4), "Gravel Backfill for Drains," or a similar, clean, well graded, free draining, sand and gravel material approved as acceptable by the soils engineer. We recommend that a minimum eighteen (18) inch thickness of this free draining material be placed full height and full length of the gabions.

In order to permanently intercept groundwater that will emanate from the soils retained by the gabion system, we recommend that one (1) of three (3) options be utilized:

1. Installation of a perforated pipe drain within the free draining material placed between cut soils and the gabions.
2. Installation of a "french drain" below the driveway row of gabions in the lower tier.
3. Appropriate sloping of the driveway to permit collection of groundwater runoff into an appropriate catch basin - disposal system.

A generalized sketch of these options accompanies this report.

For vertical or near vertical cuts three (3) feet or less in height we would anticipate that these cuts would not need to be retained

June 16, 1981
Cert. No. 815-65G
Ms. Lee Ann Hobbs
Page 7

assuming that the cuts would be in natural, undisturbed soils; well-constructed rockery erosion control measures should be sufficient for these cuts. For cuts in artificial fill soils we would recommend that gabion retainage be utilized regardless of the magnitude of the vertical height.

Erosion control measures such as seeding, planting, and/or the placement of a thatch mat upon the backfilled and regraded area behind the gabions should be performed as soon as is practicable.

Driveway Considerations

It is our understanding that the driveway will be constructed of flexible asphaltic concrete pavement.

Based upon subsurface soil types, conditions and distributions, and a "light" traffic classification including passenger cars and light trucks, we would recommend that a minimum six (6) inch thickness of flexible asphaltic concrete pavement be utilized for the driveway. A three (3) inch thick granular base course conforming with Washington State Highway Specifications Section 9-03.9(3), Crushed Surfacing, would be placed over the surficially compacted, natural, undisturbed soils. Placed over the granular base course would be a three (3) inch thickness of Class "B" asphalt concrete conforming with Washington State Highway Specifications Section 9-03.8, Aggregates for Asphalt Concrete.

Should it be decided that the driveway may be used by heavy trucks, concrete trucks for the construction of a residence on the lower portion of the property for example, use of a driveway designed for a "light" traffic classification may not be sufficient to adequately support such heavy loads.

June 16, 1981
Cert. No. 815-65G
Ms. Lee Ann Hobbs
Page 8

Based upon subsurface soil types, conditions and distributions, and a "heavy" traffic classification including occasional heavy trucks, we would recommend that a minimum ten (10) inch thickness of flexible asphaltic concrete pavement be utilized for the driveway. A three (3) inch thick granular base course of crushed surfacing would be placed over the surficially compacted, natural, undisturbed soils. Placed over the granular base course would be a five (5) inch thickness of Asphalt Treated Base (ATB). A two (2) inch thickness of Class "B" asphaltic concrete would be placed over the ATB at a later date, preferably subsequent to the use of the driveway by the heavy trucks.

The natural, undisturbed subbase soils should be stripped of all surficial vegetation and organic soils, surficially compacted, proofrolled, and all soft areas removed prior to the placement of the granular base course.

Special Notes

Recognizing that it is never possible to guarantee future slope stability, regardless of how well investigated or engineered any project may be, it can be stated that the slope conditions at the property appear to be fairly stable at present. We would anticipate continued future stability assuming compliance with the recommendations contained in this report.

The risk of temporary slope instability in the cut areas could be reduced by making cuts and constructing the gabion retainage system in increments, the concept being to expose only relatively small areas of cut at any given time as opposed to opening up the entire cut area prior to the placement of any gabions.

June 16, 1981
Cert. No. 815-65G
Ms. Lee Ann Hobbs
Page 9

Temporary shoring for cuts, erosion control and drainage of cuts may be necessary. We recommend that construction of the gabion system be completed as rapidly as possible once the earthwork operation has begun. Sloughing of softer and looser artificial fill soils can be anticipated; temporary shoring measures or appropriate sloping of the cut surface for these areas should be performed.

We would like to stress that much of the subsurface soil is not only extremely moisture sensitive, but also extremely sensitive to desiccation (drying). In cohesive soils, excessive moisture will cause soft conditions, while drying will cause shrinkage cracks, either of which condition will also cause cut stability to deteriorate.

Excavated soils that will not be reused should be hauled off site and not wasted out over the slope. Filling on the slope should be performed only if in compliance with special preparation recommendations provided by the soils engineer. Geotechnical parameters and guidelines regarding the placement of engineered fill can be furnished upon request.

We recommend that the proposed cuts, installation of the gabion retainage system and construction of the driveway be performed during extended periods of fair weather, preferably sometime during the driest months of the year. The contractor should anticipate using only "lightweight" equipment during the cut and construction operations as "heavy" equipment may cause overworking of the subsurface soils, resulting in deterioration of subgrade conditions and excessive "pumping."

June 16, 1981
Cert. No. 815-65G
Ms. Lee Ann Hobbs
Page 10

Careful and prudent earthwork and construction techniques are strongly recommended. The contractor should be experienced in gabion installation and should fully understand all soil conditions and potential problems prior to commencing with the earthwork operation.

We recommend that the soils engineer or his qualified representative discuss with the contractor the methods and procedures regarding the earthwork and construction operations. This discussion should take place on site and prior to the commencement of the earthwork operation to ensure compliance with, and understanding of, the recommendations contained in this report. We recommend additionally that our representative be present at least for the beginning of the earthwork and construction operations or for as long as is considered necessary based upon subsurface soil conditions at the time the work is performed.

Although we do expect the soil types, conditions and distributions to reflect our findings, some variations may occur. Should conditions or occurrences other than those discussed in our report be encountered, we recommend that the soils engineer be contacted to determine if additional or alternative recommendations are required.

It is requested that the soils engineer be provided the opportunity for a general review of the final design to confirm that the geotechnical recommendations have been properly interpreted and adequately implemented.

CASCADE TESTING LABORATORY, INC.
TESTING & INSPECTION / ENGINEERS / GEOLOGISTS

June 16, 1981
Cert. No. 815-65G
Ms. Lee Ann Hobbs
Page 11

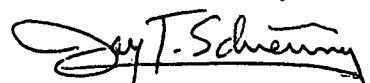
Because the surficial soils were extremely soft at the time field work was performed, some of the draitile that is understood to underlie a portion of the proposed driveway area may have been disturbed. Because the owner and the owner's representative were informed prior to the performance of field work of potential landscaping and drainage problems that could result as a consequence of soft surficial soils, Cascade Testing Laboratory, Inc., and its staff will not assume liability for any present or future losses resulting in part of whole from this situation. We are requesting that you will hold us harmless from any action regarding this situation and will represent our interests without cost to us in any action arising therefrom. The water line which was damaged by a representative of Cascade Testing Laboratory, Inc., was repaired at the damaged location by Bellevue Plumbing and Heating, Inc., on June 12, 1981, at not cost to the owner.

This report has been prepared for the exclusive use of Ms. Lee Ann Hobbs and Cole and Associates, Ltd., for specific application regarding the propsed project as discussed herein, in accordance with generally accepted soils engineering practices. No other warranty, expressed or implied, is made.

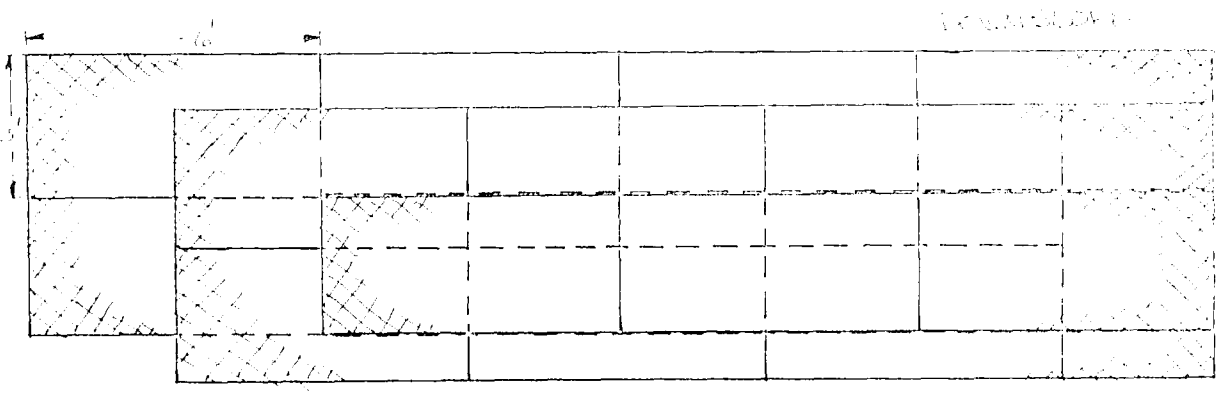
We appreciate this opportunity to be of service and look forward to working with you again. We trust our findings, conclusions and recommendations will be helpful in the successful completion of your project. Should you have any questions or require further assistance, please feel free to contact us at any time.

Sincerely,
CASCADE TESTING LABORATORY, INC.

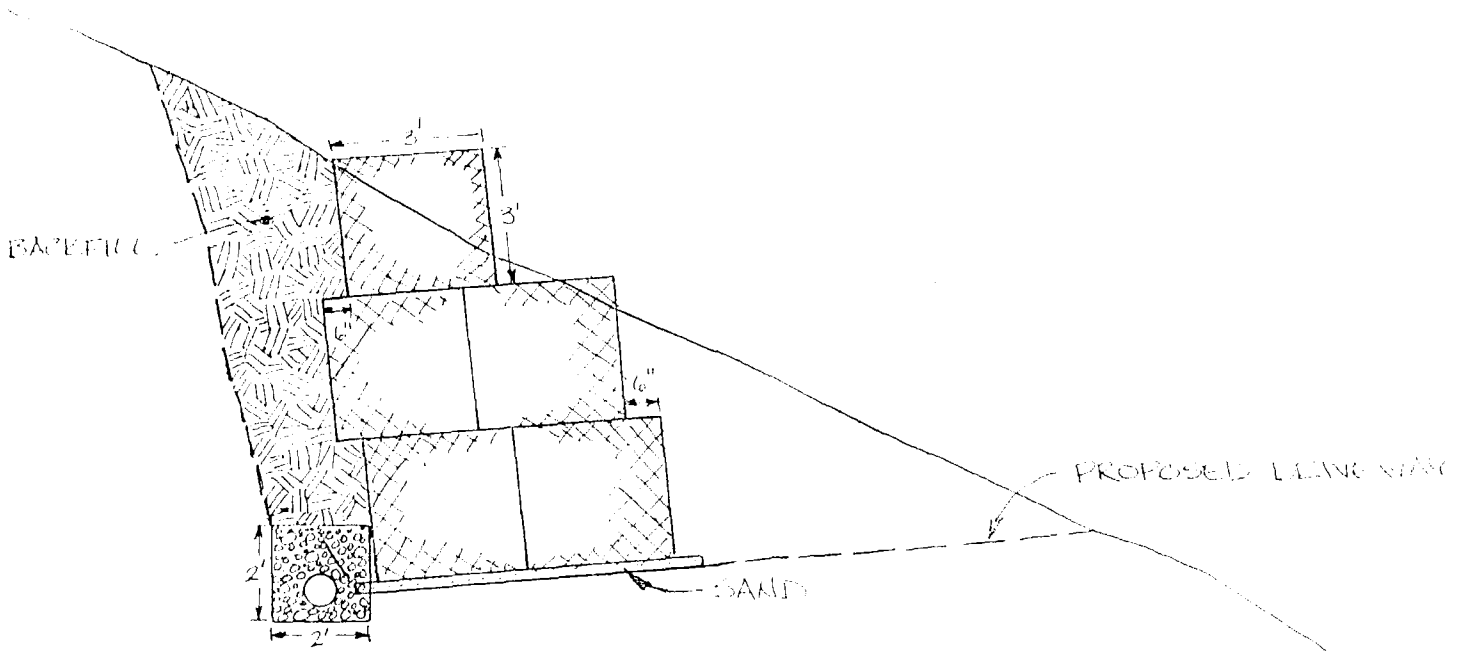

Charles C. May P.E.


Jay T. Schiering
Engineering Geologist

GABION DETAINING WALL
 - 10' HIGH
 14' HIGH PROTECTIVE



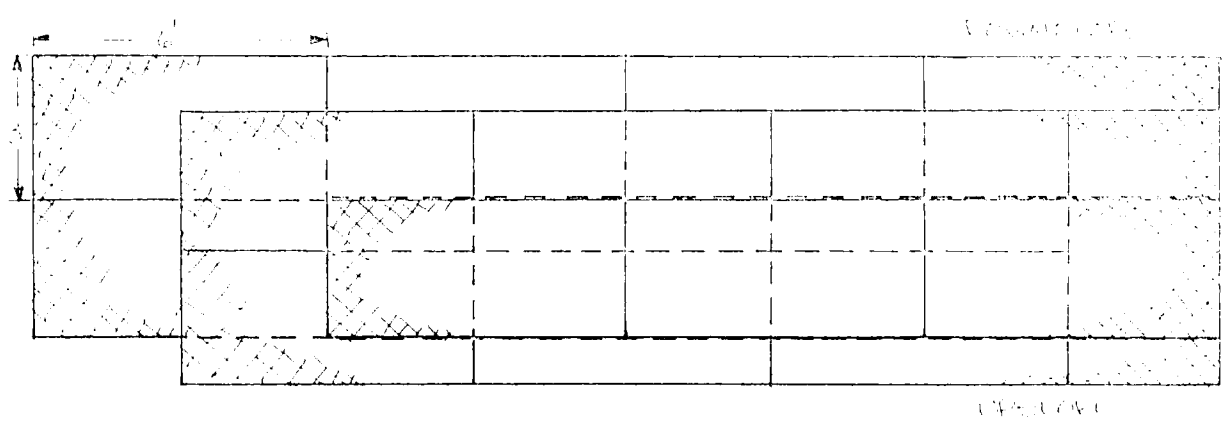
PLAN VIEW



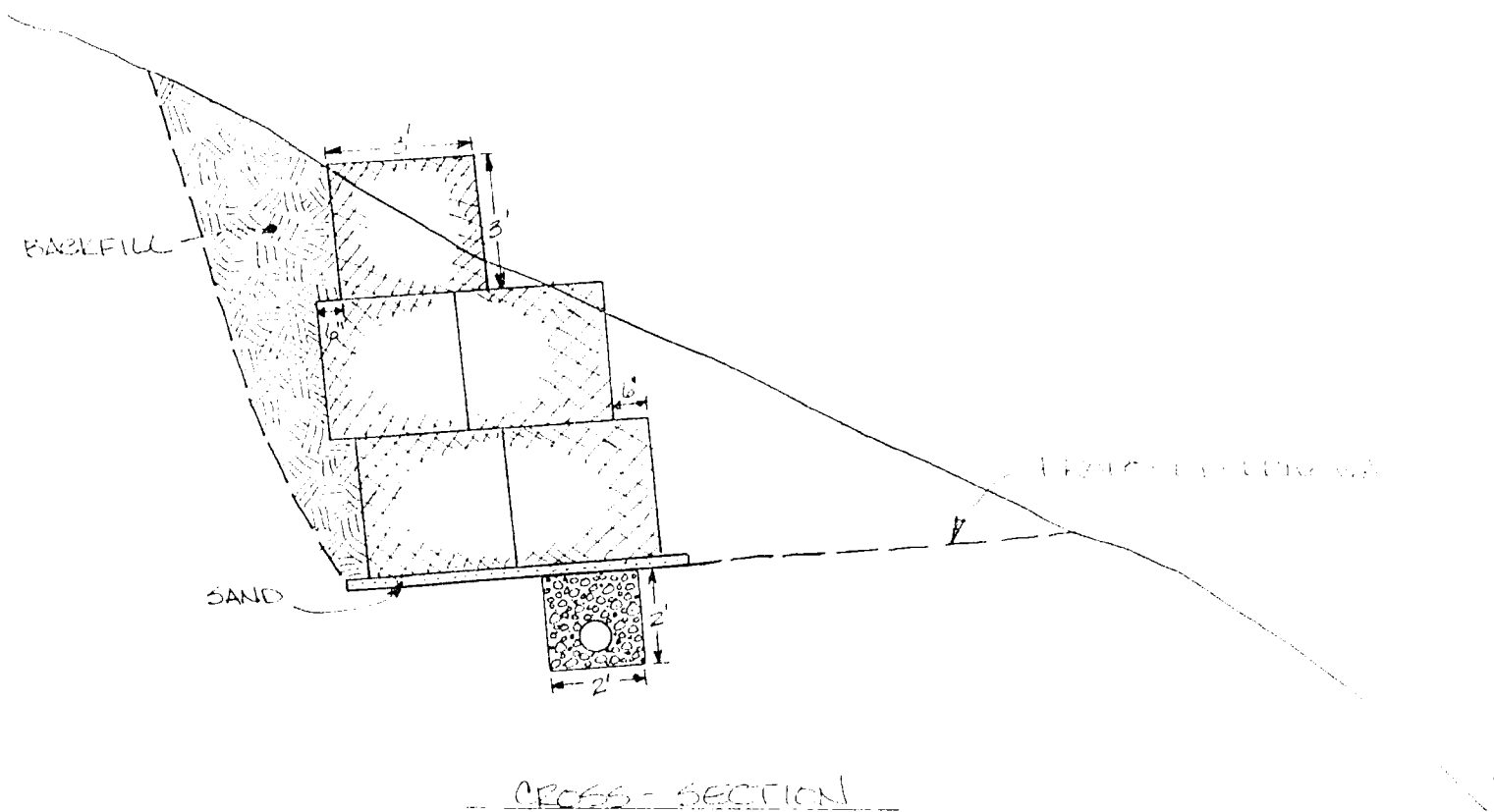
CROSS-SECTION

* NOTE: ROCK FILLED GABION - 3" TO 6" RIVER ROCK OR GRAVEL
 SPALLS SUGGESTED AS BASKET FILLED (PROVIDE TO BE
 COMPATIBLE WITH MESH DIAMETER)

DESIGN OF A GABION WALL
 FOR A SLOPE OF 1:1
 TO BE CONSTRUCTED WITH
 12' HIGH

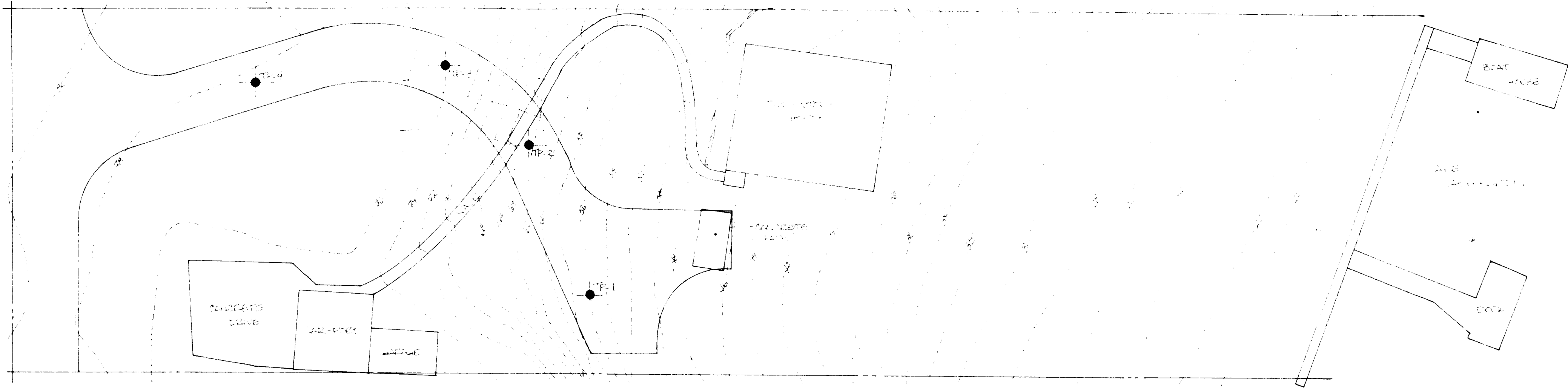


PLAN VIEW

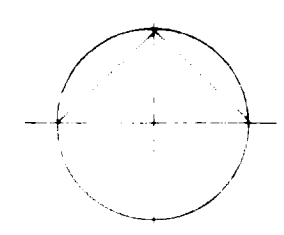


CROSS-SECTION

*NOTE: ROCK FILLED GABION - 5" TO 6" RIVER STONE OR SAND SPALLS SUGGESTED AS BASKET FILL (COMPATIBLE WITH MESH DIAMETER)



TEST PIT LOCATION MAP
 WEBB'S PROPERTY
 MERCED ISLAND - WASHINGTON



DEPTH

CASCADE TESTING LABORATORY		GEOLOGISTS	
ENGINEERS		14120 N.E. 21 STREET - BELLEVUE, WASHINGTON - 98007	
206-641-2573			
CERT. NO. AS-080	SCALE 1" = 20'	REV. NO.	NOTES
DRAWN BY DUE AN	DATE 11-1-81	PAGE	
SEATTLE 525-6700	SILVERDALE 692-5020	EVERETT 259-0817	

APPENDIX A
TEST PIT LOGS

T.P. - 1	Soil Description and Classification	T.P. - 2	Soil Description and Classification
	<p>56.0 MEDIUM STIFF, TAN, SLIGHTLY SANDY, CLAYEY SILT, MOIST TO WET.</p> <p>MEDIUM STIFF, DARK BROWN, ORGANIC-RICH, SLIGHTLY SANDY, CLAYEY SILT, MOIST TO WET (REMANANT TOPSOIL HORIZON).</p> <p>MEDIUM STIFF, TAN, SLIGHTLY SANDY, CLAYEY SILT, MOIST TO WET. (FILL?)</p> <p>MEDIUM STIFF, BLUE-GRAY, VARIABLY SANDY, CLAYEY SILT WITH MINOR TO MODERATE ROOTS, STICKS AND ORGANICS, MOIST TO WET (FILL?)</p> <p>5.6 MEDIUM STIFF, OXIDIZED ORANGE, TAN AND GRAY-TAN, SANDY, CLAYEY SILT, MOIST TO WET.</p> <p>-5</p> <p>INTERBEDDED, MEDIUM STIFF TO STIFF, BLUE-GRAY, VARIABLY SANDY, CLAYEY SILT AND MEDIUM DENSE, BLUE-GRAY, SLIGHTLY GRAVELLY, CLAYEY, SILTY SAND, MOIST TO WET.</p> <p>-10</p> <p>T.D. = 11'6"</p>		<p>62.0 LOOSE TO MEDIUM DENSE, DARK BROWN, GRAVELLY, SILTY SAND, MOIST (FILL AND MODIFIED NATURAL).</p> <p>5.6 INTERBEDDED, MEDIUM DENSE, BLUE-GRAY, SLIGHTLY GRAVELLY, CLAYEY, SILTY SAND AND MEDIUM STIFF TO STIFF, BLUE-GRAY, SANDY, CLAYEY SILT, MOIST TO WET (FILL?)</p> <p>-5</p> <p>MEDIUM DENSE, SLIGHTLY MOTTLED ORANGE AND GRAY-TAN, GRAVELLY, SILTY SAND, MOIST TO WET.</p> <p>-10</p> <p>MEDIUM DENSE, BLUE-GRAY, SLIGHTLY SILTY, FINE TO MEDIUM SAND, MOIST TO WET.</p> <p>T.D. = 11'</p>
	<p>Notes: SLIGHT SEEPAGE AT 8'6" AND BELOW; GRADATIONAL CONTACTS.</p>		<p>Notes: SLIGHT SEEPAGE BETWEEN 5'6" AND 8'6"; GRADATIONAL CONTACTS.</p>

T.P. - 3	Soil Description and Classification	T.P. - 4	Soil Description and Classification
	<p>78.0 LOOSE, BLACK, ORGANIC-RICH, SILTY SAND, MOIST.</p> <p>LOOSE TO MEDIUM DENSE, OXIDIZED ORANGE AND BROWN, SILTY, FINE SAND, MOIST; ABUNDANT ROOTS.</p> <p>-5</p> <p>INTERBEDDED, MEDIUM DENSE TO DENSE, OXIDIZED ORANGE, BROWN, TAN AND GRAY-TAN, VARIABLY GRAVELLY, VARIABLY SILTY SAND AND MEDIUM STIFF TO STIFF, GRAY-TAN, SANDY SILT, MOIST TO WET; TILL-LIKE ZONES AND STRATIFIED SILTY SAND AND SAND ZONES, ESPECIALLY SANDY BETWEEN 8'6" AND 9'6".</p> <p>5.6 SAND</p> <p>-10</p> <p>T.D. = 12'</p>		<p>74.0 LOOSE, BLACK, ORGANIC-RICH, SILTY SAND, MOIST.</p> <p>LOOSE TO MEDIUM DENSE, OXIDIZED ORANGE AND BROWN, SILTY, FINE SAND, MOIST.</p> <p>5.6 SAND</p> <p>STIFF, MOTTLED ORANGE, TAN, AND TAN-GRAY, SANDY SILT, MOIST; "FRACTURED AND JOINTED".</p> <p>-5</p> <p>INTERBEDDED, MEDIUM DENSE TO DENSE, OXIDIZED ORANGE, BROWN, TAN AND GRAY-TAN, VARIABLY GRAVELLY, VARIABLY SILTY SAND AND MEDIUM STIFF TO STIFF, GRAY-TAN, SANDY SILT, MOIST; TILL-LIKE ZONES AND STRATIFIED SILTY SAND AND SAND ZONES, ESPECIALLY SANDY BETWEEN 9'6" AND 10'6".</p> <p>-10 SAND</p> <p>T.D. = 11'</p>
	<p>Notes: SLIGHT TO MODERATE SEEPAGE AT 10' AND BELOW; SLIGHT TO MODERATE CAVING AT 10' AND BELOW; GRADATIONAL CONTACTS.</p>		<p>Notes: NO SEEPAGE; NO CAVING; GRADATIONAL CONTACTS.</p>

TEST PIT LOG

HOBBS PROPERTY

Cascade Testing Laboratory, Inc.
 Engineers - Geologists
 14120 N. E. 21st Street Bellevue, Wash. 98007
 Phone 641-2573

MERCER IS. - WASHINGTON

DATE 6-11-81	CERT. NO. 815-659	DWN BY PHELAN	CHKD BY JTS
--------------	-------------------	---------------	-------------

Exhibit 6

Storm Drain

Exhibit 6.1

Storm Drains, Improvements: Hobbs Short Plat

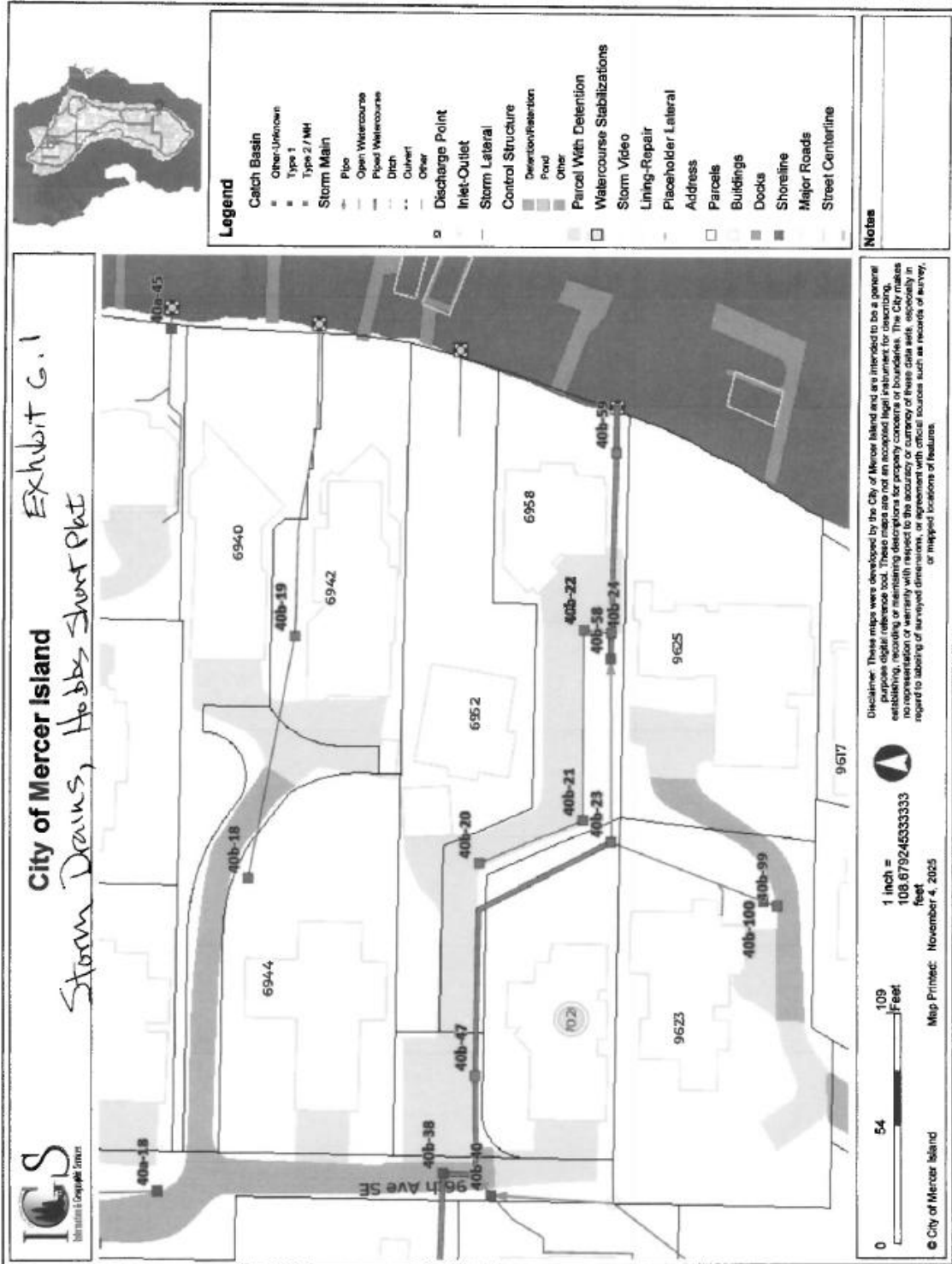


Exhibit 6.2

View of storm drain outflow in Lake Washington



Exhibit 7

Email exchange between Grace Manahan and Dwight Schaeffer on October 10, 2025
referenced above (8 pages total)

On Oct 10, 2025, at 3:30 PM, Grace Manahan <grace.manahan@mercerisland.gov> wrote:

Good afternoon,

If there is a way you are able to scan the document, please email the digital copy over. If that is not possible, please let me know your availability next week so I can come pick up the document, I will take it to a city building to scan and then drop it back off.

Quick update on the code enforcement case- I am working with my team to identify the present violations and will provide information about required next steps in the next week or two.

Please see my answers to the questions you provided below in **BLUE**:

Question #1: Who is responsible for addressing the complaint in Reference 1 and what is the process for closing it?

The portion of the complaint received regarding the garbage cans placed on neighboring property, trespassing, and cars using a driveway are civil issues that the city does not get involved with and will not be investigating.

Question #2: Will you suspend your 30 day limit for corrective actions until such time you believe I am no longer operating in good faith and/or we are not making good progress on resolution and provide me written notice of the suspension?

Yes, the 30 day deadline for corrective actions will be suspended until we have identified the existing violations and have a path forward. A new deadline for required permitting or other corrective actions may be put into place once the violations are identified.

Question #3: Can you provide me documentation for, or tell me where I can find it, what my due processes are (i.e. appeals, etc.) and what the code enforcement actions are?

We are currently in the voluntary compliance stage of code enforcement and hopefully we can work together to reach a resolution. If compliance is not obtained voluntarily, then the next step in the enforcement process will be a Notice of Violation which will include information about the appeal procedure.

Question #4: Can you confirm who has responsibility for maintaining each of the utilities?

The city cannot confirm the responsibility for maintenance of each utility. One of the conditions of approval on the original Hobbs short plat (item 17) does state maintenance and repair of private road easements and all storm drainage facilities shall be the responsibility of the homeowners of each lot. The city does have interest in the utility easements and requires access at all times. Per MICC

19.02.020(H)(2): *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.

Per MICC 19.16.020: *Structure:* That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Question #5: Do you agree the enclosure is not over any utility easement and that we have not impeded access to utilities on Tract A?

A portion of the access gate is located along the southern property line which is located within one of the utility easements. Unless it is determined that Tract A is an access easement the enclosure is not located on any known easement.

Question #6: Can you provide me, or tell where I can find, documentation that identifies seismically sensitive areas and that any construction within these areas requires a building permit? Please include definition of seismically sensitive areas, code numbers, date of change, and who approved the change.

See hazard map which shows the mapped seismic hazard area.

The presence of the seismic hazard area fits the definition of *Geologically hazardous areas: Areas susceptible to erosion, sliding, earthquake, or other geological events based on a combination of slope (gradient or aspect), soils, geologic material, hydrology, vegetation, or alterations, including landslide hazard areas, erosion hazard areas and seismic hazard areas (MICC 19.16.020)*

Per MICC 19.16.010 the definition of *Critical areas: Geologic hazard areas, watercourses, wetlands and wildlife habitat conservation areas.*

The present piped watercourse and associated setback is another present critical area alongside the mapped seismic area.

Per MICC 19.07.090(B)(2)(2)(c):

c. When development and/or activity is proposed on a site containing geologically hazardous areas and one or more of the critical area types listed in subsection (B)(2)(a) of this section or the associated buffer of one of those critical areas, a critical area review 2 reviewing all critical areas is required to be reviewed and approved prior to construction authorization, using the procedures required for a Type 3 land use review.

The current chapter 19.07 MICC was adopted through ordinance 19C-05 and was passed by the City Council of the City of Mercer Island, Washington at its regular meeting on June 18, 2019.

The list of work exempt from requiring a building permit can be found in MICC 17.14.010(105.2). These permit exemptions shall not apply to Areas of Flood Hazard and City Land Use Critical Areas unless the

work is entirely within or on the exterior envelope of a legally established existing building. The new concrete foundation and enclosed garbage structure is a new footprint and requires a building permit. The new gate has new footings that also require a building permit.

You do have the option to instead apply for a Critical Area Review 1 to verify the absence of the mapped seismic area and/or piped watercourse per MICC 19.07.090(A)(1)(b).

Question #7: Can you provide me, or tell me where I can find, documentation that defines the 1907 code and the 2019 code and the justification for the change? Please include definitions, code numbers, date of change, and who approved the change.

Setbacks shall be established 45 feet from the centerline of piped watercourses per MICC 19.07.180(C)(6).

The current chapter 19.07 MICC which was adopted through ordinance 19C-05 and was passed by the City Council of the City of Mercer Island, Washington at its regular meeting on June 18, 2019. You can review the subject ordinance for more information on the adoption.

Question #8: Can you provide me, or tell me where I can find, the storm drain easement language or Tract A, including any updates, when it was written, and who approved it?

It appears the southern easement is a public & private utility easement and was created as part of the initial short plat in 1982. If there have been any changes to the existing easements please provide the relevant documentation.

Question #9: Can you provide me the as-built survey of the storm drain, including depth? I believe it is required for approval of construction.

Please submit a public records request to obtain any public documents. If there is no survey on record it is the burden of the homeowner to obtain any required surveys.

Sincerely,

Grace Manahan

Code Compliance Planner

City of Mercer Island – Community Planning & Development

206-275-7764 | www.mercerisland.gov

From: Dwight Schaeffer <drschaeff@comcast.net>

Sent: Tuesday, October 7, 2025 3:23 PM

To: Grace Manahan <grace.manahan@mercerisland.gov>

Subject: Re: Followup to October 3, 2025 Site Meeting

shall do. How do I get it to you?

Sent from my iPhone

On Oct 7, 2025, at 9:48 AM, Grace Manahan <grace.manahan@mercerisland.gov> wrote:

Hi Dwight,

Can you please provide a copy of the Plat Covenants for Mercer Island Short Plat # MI-81-5-05, recorded under Auditor's File Number 8302030219? I can only seem to locate the short plat recorded under Auditor's File Number 8204069001.

Thank you,

Grace Manahan

Code Compliance Planner

City of Mercer Island – Community Planning & Development

206-275-7764 | www.mercerisland.gov

From: Grace Manahan <grace.manahan@mercerisland.gov>

Sent: Monday, October 6, 2025 8:23 AM

To: Dwight Schaeffer <drschaeffe@comcast.net>

Cc: Mark McDonald <mark@nwcc.us.com>; ceschaeffe@comcast.net <ceschaeffe@comcast.net>

Subject: Re: Followup to October 3, 2025 Site Meeting

Hi Dwight,

Thank you for taking the time to meet with myself and Madelyn. I have received your email and will be looking into the questions you provided. I will get back to you within the next week with more information and responses to the questions below.

Sincerely,

Grace Manahan

Code Compliance Planner

City of Mercer Island – Community Planning & Development

206-275-7764 | www.mercerisland.gov

From: DWIGHT SCHAEFFER <drschaeffe@comcast.net>
Sent: Sunday, October 5, 2025 6:08 PM
To: Grace Manahan <grace.manahan@mercerisland.gov>
Cc: Mark McDonald <mark@nwcc.us.com>; ceschaeffe@comcast.net <ceschaeffe@comcast.net>
Subject: Followup to October 3, 2025 Site Meeting

October 5, 2025

To: Grace Manahan

References:

- 1) Complaint #25-0078 by Nancy Choi to City of Mercer Island, August 18, 2025
- 2) Code Compliance Courtesy Notice, Grace Manahan to RMM Irrevocable Trust + AMM Irrevocable Trust + ET AL, September 17, 2025
- 3) Plat Covenants for Mercer Island Short Plat # MI-81-5-05, recorded under Auditor's File Number 8302030219 (Supersedes Covenants filed under Auditor's numbers 8108180692 and 8111130749)

Thank you and Madeline for meeting with me. I learned a lot and hopefully we were able to resolve some of the issues. I would like to proceed further on remaining issue to identify what we can and cannot agree on, then take the issues to your superiors for approval and/or resolution, hopefully without lawyers. Let me know if you want copies of any of the material I presented that you don't have access to. Conversely, I would like some materials that you may have access to and have additional questions and requests.

I believe the Nancy Choi complaint (Ref. 1) was about: 1) her right to enter Tract A and my property, and 2) where property lines were. I believe she has a misunderstanding of obsolete Plat Covenants that should be resolved by the language in the latest version, (Reference 3). I believe you told me you would not be addressing her complaint, rather you are on focused on what you perceive as code violations.

Question #1: Who is responsible for addressing the complaint in Reference 1 and what is the process for closing it?

Background

Reference 3 defines the properties in the Hobbs-Getty Short Plat. It's my understanding your perceived code violations are limited to the improvements recently made to Tract A. My neighbor, Mark MacDonald, is the tenant of Lot 3 and my wife and I are the owners of of lot 2. The owners of Lots 2 and 3 have an undivided interest in the use of Tract A, which serves as vehicle access for Lots 2 and 3,

the construction and maintenance of public and private utilities on Tract A and Lots 1 and 2. Tract A is also used for parking and for locating garbage/recycle/yard waste bins, as the homes on lots 2 and 3 are located far down my steep driveway. Lot 1's involvement with Tract A is limited to sharing with cost of construction of public and private utilities and their access that serve Lot 1; Lot 1 does not have an easement for private access to Tract A and Lot 2. I granted Lot 3 an easement to use my driveway for ingress and egress to the house and garage on Lot 3.

Tract A and Lot 1 share a physically defined easement for a storm drain that starts at the top of Mercer Island and crosses over 50 private properties. It captures springs located on Lot 1 and drains into Lake Washington at the southeast corner of Lot 2. Except for Tract A and the northwest corner of Lot 1, the storm drain easement is either wholly on Lot 1, or on Lot 2. The storm drain on this plat is a 12" corrugated aluminum pipe, except the City required a 12" ductile iron pipe on the south side of my house, then allowed pavers and concrete block stairs over the 10' wide easement.

For over 30 years, Tract A only consisted of broken and sunken asphalt, a grate for the storm drain, and garbage bins. It was unsightly. Vehicles unrelated to Lots 1 and 2 would come down the driveway I had constructed in the late 1980's and turn around in front of my house and would park on my driveway and Tract A. Pedestrians we did not know would walk down to my house and even to my water frontage without permission. Trucks were damaging my stairway and handrail next to my driveway and strip drains in the driveway. Contractors were using and blocking my driveway to access the eastern part of Lot 1 without my authorization. Our cars were broken into and items were stolen when they were parked outside next to my house. Tract A was used for parking turnaround by garbage and delivery trucks and even by private cars unknown to us.

Then came the deer, who have ravaged the extensive foliage on Lots 2 and 3

Mark (our neighbor) embarked on a effort to improve the appearance of Tract A, improve the security of our properties, reduce damage caused by third party vehicles, and to clarify that Tract A and Lots 2 and 3 were private property. The improvements consisted of:

1. fencing in an area for the garbage bins and adding pavers to place the bins on garbage days
2. add a package locker built into the fence to reduce truck traffic
3. remove broken asphalt, level the parking area and cover with water permeable pavers.
4. adding a low block wall to prevent soil spillage on the pavers
5. add decorative monuments (non-structural)
6. add automatic steel gates with emergency access switch
7. add landscaping and lighting

Mark, who is an experienced builder and developer, agreed to finance and manage construction and I agreed to contribute and cooperate and provide access. Mark and his suppliers/contractors did not believe a building permit was required. Since Mark is frequently out of town, I subsequently agreed to interface with you and the City regarding the Choi complaint (Ref. 1) and your Courtesy Notice (Ref. 2).

Code Compliance Courtesy Notice

Ref. 2 asserts the fenced in garbage area is located on or over one or more easements, in violation of MICC 19.02.020(H)(1) and requires the structure to be removed and inspected by October 16, 2025.

Question #2: Will you suspend your 30 day limit for corrective actions until such time you believe I am no longer operating in good faith and/or we are not making good progress on resolution and provide me written notice of the suspension?

Question #3: Can you provide me documentation for, or tell me where I can find it, what my due processes are (i.e. appeals, etc.) and what the code enforcement actions are?

I argue that fencing is not structure and the fenced enclosure is not over any utility easement. Utility companies have repeatedly traced all underground electrical, gas, cable, and water lines and none are under the concrete pad for the fenced enclosure. We believe we have good access to all the utilities, which is in our best interest, since we are responsible for maintaining at least some of them.

Question #4: Can you confirm who has responsibility for maintaining each of the utilities?

Question #5: Do you agree the enclosure is not over any utility easement and that we have not impeded access to utilities on Tract A?

At our meeting, you stated you have done further research after the Ref. 2 Notice and believe the enclosure is a structure that requires a building permit because it lies in an environmentally sensitive area. I showed you a map from Trang Pham from the Planning Department that show environmentally sensitive issues cover all of Lots 2 and 3 but none of Tract A. You told me there was a recent change that identifies Tract A is in a seismically sensitive area (isn't all of Mercer Island in a seismically sensitive area?) and therefore requires a permit.

Question #6: Can you provide me, or tell where I can find, documentation that identifies seismically sensitive areas and that any construction within these areas requires a building permit? Please include definition of seismically sensitive areas, code numbers, date of change, and who approved the change.

You told me the storm drain requires a 45' setback based upon a 1907 code for open watercourses and that a 2019 code change applies these setbacks to enclosed watercourses for new structures so that they can be opened in the future. This sounds like efforts to enhance fish passage in streams that are partially open or have been open previously, which would not be applicable to storm drains.

Question #7: Can you provide me, or tell me where I can find, documentation that defines the 1907 code and the 2019 code and the justification for the change? Please include definitions, code numbers, date of change, and who approved the change.

My final issue at this time is in regards to prohibition to structures within a utility easement, unless it is provided for in the language of the easement or agreed to in writing. The issue is the 4" square steel gate support, which I do believe is structure, and possibly the decorative monuments. I crudely measured the horizontal location as 5' north of the projection of the straight property line and 9' east of the road right away for 96th Ave SE. This looks to be 2' inside of the north boundary of the easement.

Question #8: Can you provide me, or tell me where I can find, the storm drain easement language or Tract A, including any updates, when it was written, and who approved it?

Question #9: Can you provide me the as-built survey of the storm drain, including depth? I believe it is required for approval of construction.

Please correct me where I have misspoken.

Sincerely,

Dwight Schaeffer

6958 96th Ave SE

Mercer Island, WA 98040

drschaeffe@comcast.net

(206)-601-5221, cell

<CE25-0078 Hazard Map Tract A.pdf>