**Return Address:**
~~Harvey Chen~~ City of M.I.
~~8455 W Mercer Way~~ 9611 SE 36th St.
Mercer Island, WA 98040
c/o Planning Dept. Molly

20240524000284
NOTICE Rec: $307.50
5/24/2024 10:51 AM
KING COUNTY, WA

Please print or type information **WASHINGTON STATE RECORDER'S Cover Sheet** (RCW 65.04)

**Document Title(s)** (or transactions contained therein): (all areas applicable to your document **must** be filled in)
1. Environmentally Critical Area Notice 2. _____
3. _____ 4. _____

**Reference Number(s) of Documents assigned or released:**
Additional reference #'s on page _____ of document

**Grantor(s)** Exactly as name(s) appear on document
1. Harvey Chen _____, _____
2. Wenwen Zhou _____, _____
Additional names on page _____ of document.

**Grantee(s)** Exactly as name(s) appear on document
1. City of Mercer Island _____, _____
2. _____, _____
Additional names on page _____ of document.

**Legal description** (abbreviated: i.e. lot, block, plat or section, township, range)
LOT A OF CITY OF MERCER ISLAND SHORT PLAT NO. 77-11-045, ACCORDING TO THE SURVEY RECORDED UNDER RECORDING NO. 7801200950, RECORDS OF KING COUNTY;
Additional legal is on page 1 of document.

**Assessor's Property Tax Parcel/Account Number** ☐ Assessor Tax # not yet assigned 192405-9317

The Auditor/Recorder will rely on the information provided on this form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

**"I am signing below and paying an additional $50 recording fee (as provided in RCW 36.18.010 and referred to as an emergency nonstandard document), because this document does not meet margin and formatting requirements. Furthermore, I hereby understand that the recording process may cover up or otherwise obscure some part of the text of the original document as a result of this request."**

_____ Signature of Requesting Party

**Note to submitter: Do not sign above nor pay additional $50 fee if the document meets margin/formatting requirements**

**ENVIRONMENTALLY CRITICAL AREA NOTICE**
**ACKNOWLEDGEMENT OF RISK, DUTY TO INFORM, AND LIMITATION OF DEVELOPMENT**

**GRANTORS:**
Harvey Chen and Wenwen Zhou

**GRANTEE:**
CITY OF MERCER ISLAND

**LEGAL DESCRIPTION:**
PARCEL A CITY OF MERCER ISLAND SP MI 77-11-045 REC AF NO 7801200950 SD PLAT DAF - THAT POR OF S 1/2 OF NW 1/4 OF NW 1/4 DAF - BEG AT SE COR OF SD SUBD TH N 01-16-04 E ALG ELY LN THOF A DIST OF 450 FT TH N 88-10-41 W A DIST OF 200 FT TO TPOB TH CONTG N 88-10-41 W A DIST OF 578.85 FT TAP ON NELY MGN OF W MERCER WAY SD PT LY ON A CRV HAVING A RAD OF 198.52 FT & HAVING A RAD BRG OF S 57-19-36 W TH NWLY ALG SD CRV THRU A C/A OF 09-31-54 AN ARC DIST OF 33.03 FT TH N 42-17-56 E A DIST OF 236.31 FT TO SLY BDRY OF MERHAVEN DIV 2 TH S 88-17-59 E ALG SLY BDRY OF MERHAVEN DIV 2 & CONTG ALG SLY BDRY OF MERHAVEN DIV 3 A DIST OF 444.33 FT TH S 01-16-04 W A DIST OF 206.25 FT TO TPOB.
ADDRESS: 5024 West Mercer Way, Mercer Island, WA 98040
ASSESSOR'S TAX PARCEL ID NO: 1924059317

This environmentally critical area notice is executed in favor of the City of Mercer Island ("Grantee) by the undersigned Owner ("Grantor") of the real property subject to the requirements of Mercer Island City Code (MICC) 19.07.070 and described on Exhibit A (the "Property"). The undersigned warrants that all owners of the Property have executed this document

**ACKNOWLEDGEMENT OF RISK**

The Grantor acknowledge that the Property or a portion of the Property is located in an environmentally critical area (landslide hazard area). Grantor understand and acknowledges that there are risks of loss and/or injury associated with development in environmentally critical areas. Risks include potential property damage and/or injury and potential personal injuries. Grantor agree to accept any

and all risks of loss and/or injury associated with risks posed by proposed development in an environmentally critical area.

**DUTY TO INFORM**

Grantor and all heirs, successors, and assigns agree to inform all subsequent heirs, successors, and assigns of the Property that the Property is in an environmentally critical area and that there are risks associated with the Property and development thereon.

**LIMITATION OF DEVELOPMENT AND LAND-DISTURBING ACTIVITIES**

Taken from Mercer Island City Code 19.07.160 *Geologically Hazardous Areas*:

**B.** *General review requirements*. Alteration within geologically hazardous areas or associated buffers is required to meet the standards in this section, unless the scope of work in exempt pursuant to section 19.07.120, exemptions, or a critical area review 1 approval has been obtained pursuant to section 19.07.090(A)

1. When an alteration within a landslide hazard area, seismic hazard area or buffer associated with those 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 code official may waive the requirement for a critical area study and the requirements of subsection (B)(2) and (B)(3) of this section when they determine that the proposed development is minor in nature and will not increase the risk of landslide, erosion, or harm from seismic activity, or that the development site does not meet the definition of a geologically hazardous area.

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:
    a. Will not adversely impact other critical areas;
    b. Will not adversely impact the subject property or adjacent properties;

c. Will mitigate impacts to the geologically hazardous area consistent with best available science to the maximum extent reasonably possible such that the site is determined to be safe: and
d. 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:
    a. An evaluation of site-specific subsurface conditions demonstrates that the proposed development is not location 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.

**C.** Development standards- Landslide hazard areas. Development is allowed within landslide hazard areas and associated buffers, when the following standards are met;

1. A critical area study shall be required for any alternation of the landslide hazard area or associated buffer;
2. Buffers shall be applied as follows. When more than one condition applies to a site, the largest buffer shall be applied:
    a. Steep slopes. Buffer widths shall be equal to the height of the steep slope, but not more than 75 feet, and applied to the top and toe of the slopes;
    b. Shallow landslide hazard areas shall have a minimum 25-foot buffers applied in all directions; and

c. Deep-seated landslide hazard areas shall have 75-foot buffers applied in all directions

**RIGHT TO ENTER**

THIS NOTICE SHALL NOT BE INTERPRETED TO PROHIBIT ENTRY TO OR NORMAL USE AND MAINTENANCE OF THE NOTICEAREA

**RECORDING**

THIS NOTICE SHALL BE RECORDED IN THE REAL ESTATE RECORDS OF THE OFFICE OF RECORDS AND ELECTIONS OF KING COUNTY

**RUNNING NOTICE**

THE PARTIES INTEND THIS THIS NOTICE SHALL RUN WITH THE LAND AND BE BINDING ON THE GRANTOR AND ON THE GRANTOR'S HEIRS, SUCCESSORS, AND ASSIGNS.

**SIGNATURES, ACKNOWLEDGEMENTSANDNOTABY**

Dated: 5/23/2024

Harvey Chen

Wenwen Zhou

State of Washington
County of King
Signed or attested before me on 05/23/2024
by Harvey Chen and Wenwen Zhou
Signature Jared Byargeon
(Printed name) Notary Public
Title
My appointment expires 08/24/2026

I Certify that I know or have satisfactory evidence that Harvey Chen and Wenwen Zhou are the people who appeared before me, and that said people acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 05/23/2024

Notary Public
State of Washington
JARED BYARGEON
LICENSE # 22032723
MY COMMISSION EXPIRES
AUGUST 24, 2026