

I. CONDITIONS OF APPROVAL

1. The final short plat for SUB21-006 shall be in substantial conformance with the preliminary plat drawing attached as Exhibit 6.

Applicant Response: The final drawing submitted with this application is in substantial conformance with the preliminary plat drawing attached as Exhibit 6.

2. Expiration of approval – The final short plat shall be recorded prior to the expiration deadline set forth in MICC 19.15 –Administration.

Applicant response: The notice of Decision was Issued November 21, 2022 per MICC 19.15 land use review approvals shall expire three years from the date of notice of decision if the development proposal authorized by the land use review is not commenced. For the purposes of this section, the development proposal shall be considered established if construction or substantial progress toward construction of a development proposal for which a land use review approval has been granted must be undertaken within two years of the date of notice of decision of the land use review. The improvements have been completed within this time frame.

3. Show all the existing and proposed easements on the final plat. Clearly distinguish all public easements from the private easements. The private utility easement and public utility easement shall not be combined. Cleanly distinguish all existing easements from the proposed easements.

Applicant response: The easements have been depicted on the plat as required.

4. Easements for utilities and storm drainage facilities shall be depicted on the face of the Final Plat. Language which indicates joint rights and responsibilities of each lot with respect to all utilities and roadways shall be shown along with individual lot Joint Maintenance Easement Agreements (where applicable) for all shared usage and filed with the King County Recorder and noted on the final plat. The easement notation shall indicate whether the easement is public or private, existing or proposed.

Applicant response: Easements for utilities and storm drainage facilities have been depicted on the face of the Final Plat

5. Damage to adjacent properties or public rights-of-way resulting from construction (e.g. siltation, mud, runoff, roadway damage caused by construction equipment or hauling) shall be expeditiously mitigated and repaired by the contractor, at no expense to the City. Failure to mitigate and repair said damage, or to comply with the approved construction plans, the permits issued by the City, or the City requirement for corrective action may be cause for the issuance of a “Stop Work” order, foreclosure on the plat bond/security, and/or other measures deemed appropriate by the City Engineer or Code Official to ensure construction consistent with the approved plans and protection of public safety.

Applicant response: Applicant acknowledges that it will be responsible for any damage per this condition of approval.

6. The Final Plat shall be prepared in conformance with Title 58 RCW and Surveys shall comply with Chapter 332-130 WAC. Submit using Mercer Island's datum and tie the plat to at least two monuments.

Applicant response: The final plat has been prepared in conformance with Title 58 RCW and Surveys shall comply with Chapter 332-130 WAC and Mercer Island's datum has been used with two tie ins.

7. A City of Mercer Island title block for approval signatures (Planner and City Engineer) shall be provided on the final plat along with the designated short plat number.

Applicant response: City of Mercer Island title block is on the final plat

8. Construction of all improvements for access, utilities, storm drainage, and site work shall comply with current City ordinances and the requirements of the City Engineer.

Applicant response: Improvements have been inspected and as built drawings have been approved in conformance with current City ordinances and the requirements of the City Engineer

9. All utilities serving the plat shall be under grounded (MICC 19.08.040) and shall be designed and constructed in accordance with City of Mercer Island Ordinances.

Applicant response: The applicant acknowledges this requirement. The current PSE plan shows the utilities as under ground from the overhead line in the ROW of SE 22nd

10. Plat improvement plans prepared by a Washington State licensed engineer shall be submitted for review and approval by the City Engineer. The improvement plans shall include the following:

- a. Plat access road - Comply with the Fire Code requirements and standards contained in MICC 19.09.040.
- b. Temporary Erosion Control measurements.
- c. Grading Plan.
- d. Water main, water meters, and appurtenances
 - i. Provide water services for each lot. Locate water meters outside of the future driveway areas and any paved areas.
 - ii. Abandon all existing water services currently serving the existing lot at the City water main.
- e. Sanitary sewer and appurtenances
 - i. Provide sewer connections for each lot. Show the sanitary sewer stub outs for each lot.
 - ii. The side sewer for all lots shall be a shared side sewer with one single connection to the city Sewer Main. The maximum number of the residences is 6 for a 6" shared side sewer.
 - iii. The sanitary sewer system serving all lots will be a private sewer system.
- f. Stormwater
 - i. Provide drainage improvements in compliance with MICC 15.09.
 - ii. Show the storm drainage stub outs for all lots.
- g. Dry utilities
 - i. Show the proposed dry (power, gas, etc.) utility corridor on the plan.

Applicant response: The improvement plans have been prepared by a Washington State licensed engineer and depict all of the above requirements

ii.

11. Right of Way Restoration. Roadway replacement limits shall be determined by the City Engineer.

Applicant response: Applicant acknowledges this condition of approval.

12. All plat improvements shall be completed prior to final plat approval or bonded and completed prior to issuance of building permits when allowed by the City Engineer. A survey grade as-built drawing in PDF format that shows all utilities and plat improvements shall be submitted to the City Engineer upon completion of the work.

Applicant response: Plat improvements have been completed or bonded per the City Engineers recommendations The as built conditions survey has been approved by the City Engineer

13. All recommendations in the geological engineering report (Exhibit 10) shall be incorporated into the final design drawings and construction specifications.

Applicant response: The recommendations of the geological engineer will be incorporated into the single family building permit applications.

14. All private shared utilities and shared access for Lot 1 and Lot 2 shall be completed prior to final plat recording. All private shared utilities and shared access for Lot 3 and the adjacent property shall be completed prior to final plat recording. A Site Development Permit for constructing all shared utilities and access are required for the city approval. A financial guarantee (150% of the construction cost) for the plat improvement is required prior to issuance of the permit. All construction must be completed prior to submit the final plat.

Applicant response: The Site Development Permit was issued for the plat. The City Engineer determined that the shared private utilities for water and access for lots 1 and 2 should be constructed with the single-family permits for those respective lots. The bonding for these improvements is in place. The storm drainage and sewer connections have been completed for all lots. The improvement for the shared access for Lot 3 has also been deferred to the single-family permit phase as the required improvements for the road widening cannot be completed until the work is finished on the adjacent lift station . Bonding is in place for these improvements. The private utilities for sewer and storm drainage have been completed.

15. The Applicant shall provide a Final Tree Plan that identifies the retained trees, building pads, and the location of the proposed tree replacement for the 16 required replacement trees. The tree replacement plan shall be provided with the site development permit application. This plan should be the same or consistent with the Preliminary Tree Plan. The Applicant has the option of paying a fee in lieu of \$919 per tree, plus two hours of staff maintenance, for any tree that cannot be planted at least 10-feet away from each other, existing trees and infrastructure such as fences. This replanting/fee in lieu plan for both lots will be required at the building plan application. Very little room appears on site for replanting and no opportunity in the right of way. It will follow the requirements described in MICC 19.10.070.

Applicant response: The Final Tree Plan was completed with the Site Development Permit. The replacement trees will be installed per this plan during the construction of the single-family houses.

16. The tree protection plan will be submitted during building review. No further tree removal will be allowed unless it is justified under 19.10.060.A. Showing tree protection fencing at the Arborist stated tree protection zone (TPZ).

Applicant response: the tree protection plan was submitted during building review for Lot 1. The plans will be resubmitted with Lots 2 and 3.

17. The tree protection fence shall be 6-foot chain-link fence secured into the ground. This will be called out on the Tree Plan during building review. This will be put at the arborist given limits of allowable disturbance. For tree 22 the fence will be moved to the south.

Applicant response: The chain link fence has been installed and approved by the City Arborist

18. The Project Arborist shall be on site and in control of any excavation or grading within trees dripline excavation to locate and clean-cut roots encountered at limits of disturbance. The arborist shall document and clean cut any root over 1-inch in diameter that needs to be removed. Call this out on Tree Plan during building review.

Applicant response: The applicant acknowledges this condition, and it is called out on the Tree Plan for the currently submitted permit for Lot 1. It will be included in on Lots 2 and 3 as part of the single-family permit submittals.

19. Limits of excavation for future detention system shall not encroach into tree 13's tree protection zone.

Applicant response: The detention system has been installed in accordance with this condition.

20. A full replanting plan with drip irrigation for replacement trees shall be provided during building plan review. None of the building permits will be approved without a preliminary replanting plan for all three lots. And a final replanting plan for the lot in review. Eighteen trees will need to be planted on any of the three lots.

Applicant response: Applicant acknowledges this condition. The replanting plan for Lot 1 has been submitted and approved. Subsequent plans for Lots 2 and 3 will also comply with this condition

21. The existing house and shed shall be demolished prior to Final Plat application.

Applicant response: The existing house and shed have been removed and the Demo Permit 2404-145 has been finalized

22. Include the following conditions to the face of the final plat:
 - a. Maintenance and repair of joint use side sewers (sewer lines from the building to the

City sewer main), shared roads, access easements, storm drainage facilities shall be the responsibility of the owners of each lot served (with the exception that owners of any lot which is lower in elevation shall not be responsible for that portion of a private side sewer above their connection.) In the event that maintenance and repair of any facilities enumerated above are not performed to the satisfaction of the City Engineer, after a timely demand has been made for such action, the City or its agent shall have the right to enter upon the premises and perform the necessary maintenance and repair to protect the safety and general welfare of the public and shall have the right to charge the owner of each lot an equal share of the total maintenance and repair costs. The City or the owner of any lot within this Short plat shall have the right to bring action in Superior Court to require any maintenance or repair and to recover the costs incurred in making or effecting repairs to improvements.

- b. The monitoring, cleaning, maintenance and repair of storm drainage systems in accordance with City Ordinance No. 95C-118 is required for all lot owners within this Plat to control stormwater runoff and control erosion and flooding downstream. All costs related to stormwater runoff control shall be borne by the owners of each lot in equal share. This obligation shall be recorded separately with each individual lot sale and shall travel with the land.
- c. All staging for construction shall occur on site and shall not be located within the public right- of-way.
- d. Prior to the issuance of a building permit, each application shall be accompanied with a temporary erosion and sedimentation control plan, clearing and grading plan, access and utility service plan, a landscape plan (which shall identify existing vegetation to be retained, limits of all clearing and grading), and a schedule for the construction. The applicant's Civil Engineer, experienced in soils geology and mechanics, shall review the proposed site and building construction and provide recommendations that will limit site disturbance, minimize risk of soils movement, evaluate site slope stability and define materials and construction practices for the work. The Building Official may require that the Engineer be present during construction, monitor the work, and recommend special techniques or mitigating measures. The costs associated with the Engineer's monitoring and mitigation measures shall be borne by the applicant.
- e. No permanent landscaping, structures, or fences shall be placed on or within public utility or storm drainage easements without the written approval of the City Engineer.
- f. If in the opinion of the City Engineer, utilities or storm drainage facilities require maintenance, repair or replacement, the City or its agent shall have the right to enter those lots adjoining the facility for the purpose of maintaining, repairing, relocating or replacing said facilities.
- g. Lot owners shall be responsible for the restoration of any private improvements or landscaping within easements.
- h. Installation of landscaping and/or structures including trees, shrubs, rocks, berms,

walls, gates, and other improvements are not allowed within the public right-of-way without an approved encroachment agreement from the City prior to the work occurring.

- i. No tree identified for retention may be removed unless otherwise approved by the City Arborist.
- j. All building permits are subject to meeting current fire code requirements at the time of permit submittal. Access shall be provided as outlined in the International Fire Code Appendix D and MICC 19.09.040. Fire plan reviews will be conducted at time of building permit submittal and may require additional fire protection systems and/or additional fire prevention measures for building approval.
- k. At building permit application, the applicant shall pay park and transportation impact fees based on the fee schedule in place at the time of application. A credit shall be applied for any dwelling unit that exists on the land within the subdivision prior to the subdivision if the dwelling unit is demolished. The credit shall apply to the first complete building permit application submitted to the city subsequent to demolition of the existing dwelling unit, unless otherwise allocated by the applicant of the subdivision as part of approval of the subdivision

Applicant response: Applicant acknowledges the above referenced conditions

- II. DEVELOPMENT REGULATION COMPLIANCE – DISCLOSURE
 1. Compliance with all local, state and federal regulations is required.

Applicant response: Applicant acknowledges that it must comply with all local, state and federal regulations

2. No construction, tree removal, grading, installation of utilities on land within a proposed long or short subdivision shall be allowed prior to preliminary approval of the long or short subdivision and until the applicant has secured the permits required under the Mercer Island City Code. Following preliminary approval, tree removal, grading, and installation of utilities shall be the minimum necessary to allow for final plat approval of the long or short subdivision. (MICC 19.08.020(5)).

Applicant response: Applicant has complied with this condition