

CONDITIONS COMPLIANCE NARRATIVE

CONDITIONS OF APPROVAL

1. The final plat for SUB23-001 shall be in substantial conformance with the development plan set.

Answer: *Acknowledged. Layout details shown on Sheet 3, Sheet 4, Sheet 5 of Final Short Plat.*

2. The Applicant shall demonstrate that the mitigation measures contained within the MDNS, SEP23-001, are completed prior to the issuance of the site development permit or the initiation of grading, filling, or clearing on the subject property.

Answer: *All required mitigation measures contained within the MDNS and SEP23-001 have been completed. Supporting documentation including the DOE No Further Action letter and the UST Removal, Well Decommissioning, and Soil Cleanup Verification Reports are included in this submittal.*

3. Conditions of Approval – The Applicant shall continually monitor the proposed development and conditions of approval throughout the development process to ensure the proposed development meets or exceeds all assigned conditions of approval. At the final plat and before recording, the Applicant shall provide written documentation describing how all conditions of approval have been addressed or will be addressed in the future. Failure to address all conditions of approval shall constitute a breach of the preliminary approval and a Final Plat shall not be approved by the City.

Answer: *At final plat all conditions of approval will be met. All conditions of approval listed herein have been addressed as noted, and will continue to be monitored through final plat approval. This document serves as the applicant’s written summary of compliance per MICC 19.15.*

4. Expiration of preliminary approval – The final plat shall be recorded before the expiration deadline set forth in Chapter 19.15 MICC – Administration.

Answer: *The final plat is expected to be recorded prior to the expiration deadline set forth in Chapter 19.15 MICC.*

5. Park and transportation impact fees shall be paid at the issuance of each building permit unless deferral of payment is sought pursuant to MICC 19.18.060 or MICC 19.19.060. Impact fees are not subject to vesting and the amount paid will be the impact fee amount in effect at the time of payment. One (1) credit shall be provided for the existing single-family residence. Impact fees are not subject to vesting. The impact fees shall be based on the amount listed in the City’s current fee schedule at the time of payment.

Answer: *All park and mitigation fees will be paid at issuance of each building permit.*

6. 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.

Answer: Detailed/shown on Sheet 1 (P.E.P), Sheet 2 (Special Exceptions), Sheet 3 (Private Water, Access & Utility), Sheet 4 (Storm Drainage, Access & Utility), Sheet 5 (Access & Utility), of Short Plat.

7. 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.

Answer: Acknowledged. Tract A is noted as an access and utility easement on Sheet 1, and utilities shown and labeled as private on sheet 2 and 3. All Easements are Private and are noted as such.

8. 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.

Answer: Acknowledged, Datum notes shown on Sheet 2 of the Short Plat.

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

Answer: Shown on Sheet 1. Short Plat number is known to be SUB23-001 unless otherwise assigned.

10. All utilities serving the proposed development shall be undergrounded (MICC 19.08.040) and shall be designed and constructed in accordance with City of Mercer Island Ordinances.

Answer: All utilities serving the plat are underground and have been designed and constructed per the drawings approved by the City of Mercer Island.

11. 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.

Answer: All damage to adjacent properties and public rights-of -way have been repaired.

12. Plat improvement plans (Site Development Permit 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:

13. The shared private access road shall comply with the Fire Code and Land Use Code requirements and standards contained in MICC 19.09.040.

Answer: *As-Built improvement plans have been submitted to the City Engineer for approval.*

14. Temporary Erosion Control measurements.

Answer: *Shown on sheets C2.01, C2.02, and C2.03 of the approved civil engineering drawings.*

15. Grading Plan for the private access driveway construction.

Answer: *Shown on sheet C4.02 of the approved civil engineering drawings.*

16. Water main, water meters, and appurtenances

- a. Provide water services for each lot. Locate water meters outside of the future driveway areas and any paved areas. The water meters must be located in the city Right of Way.
- b. Abandon all existing water services currently serving the existing lot at the City water main.
- c. The proposed water line and fire hydrant located in Tract A and private water easement are private systems.

Answer: *Shown on C3.03, C6.01, C6.02, C6.03, C6.04 of the approved civil engineering plans and sheet 3 of the short plat.*

17. Sanitary sewer and appurtenances

- a. Provide sewer connections for each lot. Show the sanitary sewer stub outs for each lot.
- b. The side sewer for all lots shall be a shared side sewer with one single connection to the city Sewer Main.
- c. The sanitary sewer system serving all lots will be a private sewer system.

Answer: *Shown on C3.03, C6.01, C6.02 of the approved civil engineering plans and sheet 4 of the short plat.*

18. Stormwater

Answer: *Shown on C3.03, C5.01, C5.02, C5.03, C5.04, C5.05, C5.06, C5.07, C5.08 of the approved civil engineering plans and sheet 4 of the short plat.*

19. Provide drainage improvements in compliance with Chapter 15.09 MICC.

Answer: *Shown on C5.01, C5.02, C5.03, C5.04, C5.05, C5.06, C5.07, C5.08 of the approved civil engineering plans*

20. Show the storm drainage stub outs for all lots.

Answer: *Shown on C5.01 of the approved civil engineering plans.*

21. Dry utilities

- a. Show the proposed dry (power, gas, etc.) utility corridor on the plan.

Answer: *Shown on C7.01 of the approved civil engineering plans.*

22. Right of Way Restoration: Right of way restoration limits and extents shall be determined by the City Engineer prior to final inspection of Site Development Permit.

Answer: *City Engineer has determined the right of way restoration limits, restored to that standard & approved.*

23. A final stormwater drainage report shall be submitted with the site development permit application.

Answer: *A final stormwater drainage report has been submitted with the record drawings plans.*

24. Construction of all improvements for access, utilities, and all storm drainage system (conveyance system and onsite detention system), and all site work shall be completed before final plat application. A Site Development Permit for constructing all shared utilities and access is required for the City's approval. A financial guarantee (150% of the construction cost) for the plat improvement is required before issuance of the Site Development permit. All construction must be completed before submitting the final plat.

Answer: *a bond has been posted for 150% of construction costs and all site work construction has been completed.*

25. All plat improvements shall be completed prior to final plat approval prior to issuance of building permits. 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.

Answer: *All plat improvements have been completed and a survey grade as-built drawing has been submitted to the City engineer.*

26. The tree retention plan in Exhibit 6, the Arborist Report (Exhibit 20), and the Tree Inventory Worksheet (Exhibit 21) shall be updated to show the 17 exceptional trees or trees with a diameter greater than 36 inches proposed for removal, the 10 trees with a diameter between 10 and 24 inches proposed for removal, and the required 122 replacement trees, as required by MICC 19.10.070.

Answer: *The Arborist Report, C1.01 Tree Protection and Site Demolition Plan, and C1.02 Tree Inventory Worksheet were updated and included in the approved Site Development Permit set.*

27. A replanting plan shall be provided with the site development permit application. At least half of the trees need to be Pacific Northwest native. The trees need to be at least 10-feet apart from each other, structures, fences, and utilities. If you can show no room exists on site for all the required trees, the remainder can be a fee in lieu if requested. The Applicant shall pay a fee in lieu payment consistent with the current City of Mercer Island Fee Schedule for any tree that cannot be planted at least 10-feet away from each other, existing trees, and infrastructure such as fences. The replanting/fee in lieu plan shall be required at the with the final plat application following the

requirements in MICC 19.10.070. Tree replanting shall be required before final plat or final building inspections.

Answer: *A replanting plan drawn by Lyon Landscape Architects has been submitted to the City of Mercer Island. A fee in lieu in the amount of \$48,739 will be paid at time of final plat application. Planting of replacement trees will be done during building construction to avoid damage to replacement trees from construction activities.*

28. A financial guarantee shall be provided to the City to cover the replacement, labor, and monitoring costs of the all replacement trees that will be planted on the subject property, for a period of five years. Pursuant to MICC 19.10.070(D), the Applicant shall maintain all replacement trees in a healthy condition for a period of five years after planting. The Applicant shall be obligated to replant any replacement tree that dies, becomes diseased, or is removed during this five-year time period. The financial guarantee shall be 150 percent of the identified cost provided on a bond quantity worksheet, supplied by the Applicant with site development permit application. Once the bond quantity worksheet is approved by the City, the City will inform the Applicant the amount required for the financial guarantee. The financial guarantee shall be filed with the City prior to approval of the site development permit and held by the City for a period of five years from the date the replacement trees are planted. Replacement trees shall primarily be those species native to the Pacific Northwest. In making a determination regarding the species of replacement trees, the city arborist shall defer to the species selected by the property owner unless the city arborist determines that the species selected are unlikely to survive for a period of at least ten years, represents a danger or nuisance, would threaten overhead or underground utilities or would fail to provide adequate protection to any critical tree area.

Answer: *Acknowledged. A bond has been posted for 150% of the identified costs.*

29. The tree protection plan shall be submitted with the site development permit application and building permit application review. No further tree removal will be allowed unless it is justified under MICC 19.10.060.A. Showing tree protection fencing at the Arborist stated tree protection zone (TPZ).

Answer: *Acknowledged. Tree protection will be shown on all building permit submittals.*

30. The tree protection fence shall be a 6-foot chain-link fence secured into the ground. This shall be called out on the tree protection plan during the site development permit application review and building permit application review.

Answer: *Acknowledged. Tree protection will consist of 6' chain link fence and will be shown on all building permit submittals.*

31. The Project Arborist is to be on-site and in control of any excavation or grading within the trees dripline. They will document and clean cut any root over 1 inch in diameter that needs to be removed. Call this out on the site development permit application plans and building permit application plans.

Answer: *Acknowledged. Project arborist will be on site and control any excavation or grading within tree driplines and will document and clean cut any root over 1” that needs to be removed.*

32. The final tree plan, showing numbered retained trees and building pad, shall be recorded as part of the final plat. This plan shall be the same or consistent with the preliminary tree plan.

Answer: *A final tree plan consistent with the preliminary tree plan will be recorded with the final plat. Please see Tree Replacement Plan included in the application submittal documents.*

33. The following Conditions of Approval shall be included on the face of the final plat:

- a. This plat approval does not guarantee that the lots will be suitable for development now or in the future. For example, the geologic hazards at this site, specifically the liquefaction potential of the soils and subsequent vertical and lateral ground movements, may present significant geotechnical and structural engineering design challenges when developing the site to meet current code requirements for the prevention of structural building collapse under earthquake loading, which a developer may deem as economically infeasible, etc.
- b. At the time of building permit application, the Applicant shall demonstrate compliance with MICC 19.07.060(D).
- c. 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.
- d. 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.
- e. All staging for construction shall occur on-site and shall not be located within the public right-of-way.
- f. 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 the risk of soil 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.
- g. No permanent landscaping, structures, or fences shall be placed on or within the public utility or storm drainage easements without the written approval of the City Engineer. 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. Lot owners shall be responsible for the restoration of any private improvements or landscaping within said 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 before the work occurs.
 - 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 the time of building permit submittal and may require additional fire protection systems and/or additional fire prevention measures for building approval.

Answer: *Acknowledged. These conditions are documented on the face of the final plat.*