



April 14, 2025

Project No. 23001

## CITY OF MERCER ISLAND CRITERIA COMPLIANCE NARRATIVE

### MICC 19.08.010

- A. No person shall subdivide land, either through a long subdivision or a short subdivision, without first obtaining official approval as herein provided.

***Attached application package helps support review for official approval.***

- B. All applications for long subdivisions or short subdivisions are governed by the permit review procedures set out in MICC 19.15.040 except where superseded by language contained in this chapter.

***Application package attached will be governed by review procedures unless superseded by language in this chapter.***

- C. Land contained in a prior short subdivision may not be further divided in any manner for a period of five years after the recording of the final plat with King County without the filing of a long subdivision plat; however when a short subdivision consists of less than four lots, an alteration to the short subdivision is permitted so long as no more than four lots are created through the total short subdivision process.

***Parcels have not been subdivided within the last 5 years.***

- D. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements adopted for the promotion of the public safety, health, and general welfare. This chapter is not intended to interfere with or abrogate or annul any easements, covenants, conditions, or restrictions created or imposed by plats or deeds or record or by agreements between parties, except where the provisions of this chapter are more restrictive, in which event the provisions of this chapter shall govern.

***The application package will hold the minimum requirement for the promotion of the public safety, health, and general welfare.***

- E. Preliminary long subdivision and short subdivision applications shall be processed simultaneously with all applications for rezones, variances, planned unit developments, and site plan approvals to the extent the procedural requirements of those actions allow simultaneous action.

***Noted, the preliminary short plat is being submitted with a pending building permit application on a portion of the parcel.***

- F. Vacations of long subdivisions shall be governed by RCW 58.17.212. Alterations to long subdivisions shall be governed by RCW 58.17.215. All public hearings for both vacations and alterations of long subdivisions shall be before the hearing examiner, which shall make recommendations as to the vacation or alteration to the city council.

***No vacation is proposed in this project.***

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G. Vacations and alterations of short subdivisions shall be reviewed by the code official, and shall comply with the requirements of this chapter for the creation of short subdivisions, unless those requirements are waived by the code official. Vacations and alterations of short subdivisions that involve a public dedication shall be governed by subsection F of this section.

***No vacation is proposed in this project.***

**MICC 19.08.020**

A. Applications for short subdivisions or alterations or vacation thereof shall be reviewed by the code official. Applications for long subdivisions or alteration or vacation thereof shall be reviewed by the hearing examiner, who shall make recommendations to the city council.

***Attached application package will be reviewed by hearing examiner and code officials.***

B. Applicants shall prepare a concept sketch of the proposal for the preapplication meeting required under MICC 19.15.060.

***Pre Application notes provided with application package.***

C. Preliminary application contents. In addition to any documents, information, or studies required under chapter 19.07 MICC, Environment, chapter 19.10 MICC, Trees, or any other chapter of this title, an application for a long subdivision or short subdivision shall include the documents set forth below and any other document or information deemed necessary by the code official upon notice to the applicant. All documents shall be in the form specified by the code official and shall contain such information as deemed necessary by the code official. The applicant shall submit the number of copies of each document specified by the code official.

1. Development application cover form. The development application cover form shall be signed by all current property owners listed on the plat certificate, and shall list the legal parcel numbers of all property involved in the project.

***Development application attached.***

2. Long subdivision or short subdivision plans. The applicant shall provide copies of fully dimensioned plans of the project prepared by a Washington registered civil engineer or land surveyor, meeting the requirements of chapter 19.07 MICC, Environment, and containing any other information deemed necessary by the code official. The city engineer may waive the requirement that an engineer or surveyor prepare the plans for a short subdivision. The submitted plans shall identify the proposed building pad location for each proposed lot pursuant to MICC 19.09.090.

***Short subdivision plans attached.***

3. Plat certificate. Applicant shall provide a plat certificate issued by a qualified title insurance company not more than 30 days before filing of the application showing the ownership and title of all parties interested in the plat. If the plat certificate references any recorded documents (i.e., easements, dedications, covenants, etc.), copies of those documents shall also be provided.

***Plat certificate attached with the submittal items.***

4. Legal documents. Applicants shall provide copies of each of the following documents (if applicable):
  - a. Proposed restrictive covenants.
  - b. Draft deeds to the city for any land to be dedicated.
  - c. Proposed easements.

***Short subdivision plans note all proposed restrictions and easements.***

5. Project narrative. Applicants shall provide a clear and concise written description and summary of the proposed project.

***Project narrative attached.***

6. Neighborhood detail map. Applicants shall provide copies of a map drawn at a scale specified by the code official showing the location of the subject site relative to the property boundaries of the surrounding parcels within approximately 1,000 feet, or approximately 2,500 feet for properties over four acres. The map shall identify the subject site with a darker perimeter line than that of the surrounding properties.

***Neighborhood detail map attached.***

7. Topography map. The applicant shall provide copies of a topographical map showing the existing land contours using vertical intervals of not more than two feet, completed and signed by a Washington licensed surveyor. For any existing buildings, the map shall show the finished floor elevations of each floor of the building. Critical slopes exceeding 30 percent must be labeled and delineated by a clearly visible hatching.

***Topography shown on subdivision plans.***

8. Detailed grading plan. If the grade differential on the site of the proposed project will exceed 24 inches and/or if the amount of earth to be disturbed exceeds 50 cubic yards, the applicant shall provide copies of a detailed grading plan drawn by a Washington licensed engineer.

***Grading plan provided.***

9. Street profiles. The applicant shall provide copies of a street profile showing the profiles and grades of each street, together with typical cross sections indicating:
  - a. Width of pavement;
  - b. Location and width of sidewalks, trails, bike lanes, ditches, swales, etc.; and
  - c. Location of any utility mains.

***There are no new streets proposed. Proposed utilities are shown in the subdivision plans.***

10. Geotechnical report. The applicant shall provide a geotechnical report meeting the requirements of chapter 19.07 MICC, Critical lands. This requirement may be waived by the city engineer under the criteria set out in MICC 19.07.010.

***Geotechnical Report provided.***

11. Utility plan. Conceptual plan showing the locations of existing and proposed utilities.

**Conceptual utility plan provided.**

D. Preliminary application procedure.

1. Findings of fact. All preliminary approvals or denials of long subdivisions or short subdivisions shall be accompanied by written findings of fact demonstrating that:
  - a. The project does or does not make appropriate provisions for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school;
  - b. The public use and interest will or will not be served by approval of the project; and
  - c. The project does or does not conform to applicable zoning and land use regulations.

**Application package helps support the finding that the subdivision will serve the public well in develop. It will be low impact to the community.**

2. Short subdivisions. The code official shall grant preliminary approval for a short subdivision if the application is in proper form and the project complies with the design standards set out in MICC 19.08.030, the comprehensive plan, and other applicable development standards.

**Application complies with the design standards set and other applicable development standards.**

3. Long subdivisions.

- a. At an open record hearing, the hearing examiner shall review the proposed long subdivision for its conformance with the requirements of MICC 19.08.030, the comprehensive plan, and other applicable development standards.
- b. The hearing examiner shall make written findings of fact and conclusions.

**Project is a short subdivision.**

4. Conditions for preliminary approval. As a condition of preliminary approval of a project, the hearing examiner in the case of a long subdivision, or the code official in the case of a short subdivision, may require the installation of plat improvements as provided in MICC 19.08.040, which shall be conditions precedent to final approval of the subdivision.

**Project is a short subdivision.**

5. Construction limitations.

- a. 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.

- b. An existing lot, created through the final plat approval of a long or short subdivision, shall be a condition precedent for determination of complete application for a building permit to construct a new single-family dwelling.

***No construction will be conducted prior to preliminary approval. Also the appropriate building permits will be obtained.***

**MICC 19.08.030**

- A. Compliance with other laws and regulations. The proposed subdivision shall comply with all other chapters of this title; the Shoreline Management Act; and other applicable city, state, and federal legislation.

***Project will comply with all other chapters of this title.***

- B. Public improvements.
  - 1. The subdivision shall be reconciled as far as possible with current official plans for acquisition and development of arterial or other public streets, trails, public buildings, utilities, parks, playgrounds, and other public improvements.
  - 2. If the preliminary plat includes a dedication of a public park with an area of less than two acres and the donor has designated that the park be named in honor of a deceased individual of good character, the city shall adopt the designated name.

***No public streets or parks are proposed. A public storm main will be routed through the project.***

- C. Control of hazards.
  - 1. Where the project may adversely impact the health, safety, and welfare of, or inflict expense or damage upon, residents or property owners within or adjoining the project, other members of the public, the state, the city, or other municipal corporations due to flooding, drainage problems, critical slopes, unstable soils, traffic access, public safety problems, or other causes, the city council in the case of a long subdivision, or the code official in the case of a short subdivision, shall require the applicant to adequately control such hazards or give adequate security for damages that may result from the project, or both.
  - 2. If there are soils or drainage problems, the city engineer may require that a Washington registered civil engineer perform a geotechnical investigation of each lot in the project. The report shall recommend the corrective action likely to prevent damage to the areas where such soils or drainage problems exist. Storm water shall be managed in accordance with chapter 15.09 MICC and shall not increase likely damage to downstream or upstream facilities or properties.
  - 3. Alternative tightline storm drains to Lake Washington shall not cause added impact to the properties, and the applicant shall submit supportive calculations for storm drainage detention.

***Runoff is being controlled and conveyed to an enclosed system to alleviate impacts to the downstream properties.***

D. Streets, roads and rights-of-way.

1. The width and location of rights-of-way for major, secondary, and collector arterial streets shall be as set forth in the comprehensive arterial plan.
2. Public rights-of-way shall comply with the requirements set out in MICC 19.09.030.3. Private access roads shall meet the criteria set out in MICC 19.09.040.4. Streets of the proposed subdivision shall connect with existing improved public streets, or with existing improved private access roads subject to easements of way in favor of the land to be subdivided.

***No new public rights of way are proposed. The extent of work within public right of way is to connect the proposed residential driveways to the existing improvements.***

E. Residential lots.

1. The area, width, and depth of each residential lot shall conform to the requirements for the zone in which the lot is located. Any lot which is located in two or more zones shall conform to the zoning requirements determined by the criteria set out in MICC 19.01.040(G)(2).
2. Each side line of a lot shall be approximately perpendicular or radial to the center line of the street on which the lot fronts.
3. The proposed subdivision shall identify the location of building pads for each proposed lot per MICC 19.09.090. No cross-section dimension of a designated building pad shall be less than 20 feet in width.
4. The proposed subdivision shall incorporate preferred development practices pursuant to MICC 19.09.100 where feasible. 5. The proposed subdivision shall be designed to comply with the provisions of chapter 19.10 MICC.

***Proposed lots conform to MICC requirements.***

F. Design standards for special conditions.

1. Subdivisions abutting an arterial street as shown on the comprehensive arterial plan shall be oriented to require the rear or side portion of the lots to abut the arterial and provide for internal access streets.
2. Where critical areas meeting the criteria set out in chapter 19.07 MICC are present within the subdivision, the code official or city council may:  
a. Require that certain portions of the long subdivision or short subdivision remain undeveloped with such restrictions shown on the official documents;  
b. Increase the usual building set-back requirements; and/or  
c. Require appropriate building techniques to reduce the impact of site development.

***The subdivision does not abut an arterial nor does it contain critical areas.***

G. Optional standards for development. In situations where designing a subdivision to the requirements of subsections A through F of this section would substantially hinder the permanent retention of trees; interfere with the protection of critical areas; preclude the provision of parks, playgrounds, or other noncommercial recreational areas for neighborhood use and enjoyment; or negatively impact the physiographic features and/or existing ground cover of the subject area, the applicant may request that the project be evaluated under the following standards:

1. The use of the land in the long subdivision or short subdivision shall be one permitted in the zone in which the long subdivision or short subdivision is located.
2. The number of lots shall not exceed the number that would otherwise be permitted within the area being subdivided, excluding the shorelands part of any such lot and any part of such lot that is located in a street.
3. An area suitable for a private or public open space tract shall be set aside for such use.
4. The lots may be of different areas, but the minimum lot area, minimum lot width, and minimum lot depth shall each be at least 75 percent of that otherwise required in the zone in which the long subdivision or short subdivision is located. In no case shall the lot area be less than 75 percent of that otherwise required in the zone. Lot size averaging must be incorporated if lot width or depth requirements are 75 percent of the minimum that would otherwise be required for the zone without utilizing the optional development standards. Any designated open space or recreational tract shall not be considered a lot.
5. The ownership and use of any designated open space or recreational tract, if private, shall be shared by all property owners within the long subdivision or short subdivision. In addition, a right of entry shall be conveyed to the public to be exercised at the sole option of the city council if such area shall cease to be an open space or recreational tract.
6. The open space or recreational tract must remain in its approved configuration and be maintained in accordance with approved plans. Any deviation from the foregoing conditions must receive expressed approval from the hearing examiner.

***No optional standards are being utilized; tree retention is shown in the application package.***

**MICC 19.08.040**

A. Streets, utilities and storm drainage. A subdivision shall include provisions for streets, water, sanitary sewers, storm drainage, utilities and any easements or facilities necessary to provide these services. All utilities shall be placed underground unless waived by the city engineer. Detailed plans for these provisions shall not be required until after the approval of the preliminary plat and shall be a condition precedent to the official approval of the subdivision.

***Provisions for utilities to the future residences are considered in the application package.***

B. Performance bond. The owner(s) of a project shall deposit with the city a performance bond or funds for a set-aside account in an amount equal to 150 percent of the cost of the required improvements, as established by the city engineer. Such security shall list the exact work that shall be performed by the owner(s) and shall specify that all of the deferred improvements shall be completed within the time specified by the city engineer, and if no time is so specified, then not later than one year. The city may also require a bond or set-aside account securing the successful operation of improvements or survival of required landscaping for up to two years after final approval.

***Owner will obtain the appropriate performance bonds.***

C. Site supervision. Any and all services performed by city employees in field inspection of construction of plat improvements, clearing, and/or grading processes, shall be charged to the developer at 100 percent of direct salary cost, plus 35 percent of such cost for overhead. Any outside consultants retained by the city to evaluate any phase of plat design or construction shall be charged at actual cost, plus any additional administrative costs. Billings tendered to the owner(s) shall be payable within 30 days.

***Billings given to the owner will be processed with the 30 days.***

D. Construction seasons. Either the city engineer or the building official may:

1. Limit the construction project to a specific seasonal time period.
2. Prevent land clearing, grading, filling, and foundation work on lots with critical slopes or geologic hazard areas between October 1 and April 1, as set out in MICC 19.07.160; and
3. Require short-term soil and drainage control measures such as, but not limited to: hemping, seeding, gravel or light asphalt base roads, temporary siltation and detention ponds.

***Owner will adhere to the construction season and get any required permits.***

**MICC 19.08.050**

A. Required signatures.

1. Before the original or extended deadline for recording the final plat as set forth in MICC 19.15.150, the applicant may file with the city the final plat of the proposed long subdivision or short subdivision in the form prescribed by subsection C of this section.

***Noted, this will be addressed at the final plat stage.***

2. The city engineer shall check the final plat and shall sign it when satisfied that it meets the requirements of subsection C of this section, adequately addresses sewage disposal and water supply, and complies with all conditions placed on the preliminary plat approval.

***Noted, this will be addressed at the final plat stage.***

3. After the final plat has been signed by the city engineer, it shall go to the code official for final signature.

***Noted, this will be addressed at the final plat stage.***

4. Each long subdivision plat submitted for final signature shall be accompanied by the recommendation for approval or disapproval of the city engineer as to the requirements of subsection (A)(2) of this section. The city engineer's signature on the final plat shall constitute such recommendation.

***Project is a short subdivision.***

5. Final plats shall be approved, disapproved, or returned to the applicant within 30 days from the date of filing, unless the applicant consents to an extension of such time period.

***Noted, this will be addressed at the final plat stage.***

B. Recording of the final plat.

1. The applicant shall deliver the signed plat to King County for recording.
2. The recording of the final plat with the county department of records shall constitute the official approval of the subdivision, and lots may not be legally sold until the plat has received its recording number.
3. After the final plat has been recorded, the original plat shall be returned to the city engineer and filed as the property of the city.

***Noted, this will be addressed at the final plat stage.***

C. Contents of the final plat. All final plats submitted to the city shall meet the requirements set out in RCW Chapter 58.09, WAC Chapter 332-130, and those requirements set out below.

Final plat documents submitted to the city shall contain the information set out below. The final plat documents shall be drawn on an 18-inch by 24-inch sheet size, allowing one-half inch for borders. The index sheet must show the entire subdivision, with street and highway names and block numbers.

1. Identification and description.
  - a. Name of the long subdivision or short subdivision.
  - b. A statement that the long subdivision or short subdivision has been made with the free consent and in accordance with the desires of the owner or owners.
  - c. Location by section, township and range, or by other legal description.
  - d. The name and seal of the registered engineer or the registered land surveyor.
  - e. Scale shown graphically, datum and north point. The scale of the final plat shall be such that all distances and bearings can be clearly and legibly shown thereon in their proper proportions. Where there is a difference between the legal and actual field distances and bearings, both distances and bearings shall be shown with the field distances and bearings shown in brackets.
  - f. A legal description of property platted which shall be the same as that recorded in preceding transfer of said property or that portion of said transfer covered by plat. Should this legal description be cumbersome and not technically correct, a true and

exact legal description shall be shown upon the plat, together with original legal description. The correct legal description shall follow the words: "The intent of the above legal description is to embrace all the following described property."

g. A vicinity map showing the location of the plat relative to the surrounding area.

***All will be provide on the final plat.***

2. Delineation.

- a. Boundary plat, based on an accurate traverse, with angular and lineal dimensions.
- b. Exact location, width, and name of all streets within and adjoining the plat, and the exact location and widths of all roadways, driveways, and trail easements. The name of a street shall not duplicate that of any existing street in the city, unless the platted street be a new section or continuation of the existing street.
- c. True courses and distances to the nearest established street lines or official monuments which shall accurately describe the location of the plat.
- d. Municipal, township, county or section lines accurately tied to the lines of the subdivision by courses and distances.
- e. Radii, internal angles, points of curvature, tangent bearings and lengths of all arcs.
- f. All easements for rights-of-way provided for public services or utilities. Utility easements shall be designated as public or private.
- g. All lot and block numbers and lines, with accurate dimensions in feet and hundredths. Blocks in numbered additions to subdivisions bearing the same name may be numbered or lettered consecutively through the several additions. The square footage for each lot less vehicular easements shall be shown.
- h. Accurate location of all monuments, which shall be concrete commercial monuments four inches by four inches at top, six inches by six inches at bottom, and 16 inches long. One such monument shall be placed at each street intersection and at locations to complete a continuous line of sight and at such other locations as are required by the engineer.
- i. All plat meander lines or reference lines along bodies of water shall be established above the ordinary high water line of such water.
- j. Accurate outlines and legal description of any areas to be dedicated or reserved for public use, with the purpose indicated thereon and in the dedication; and of any area to be reserved by deed covenant for common uses of all property owners.
- k. Critical areas as identified under chapter 19.07 MICC.
- l. Corner pins made of rebar with caps.
- m. Designated building pads pursuant to MICC 19.09.090.

***Noted, this will be addressed at the final plat stage.***

3. Other marginal data on final plat.

- a. If the plat is subject to dedications to the city or any other party, the dedications shall be shown and shall be duly acknowledged. The plat shall also contain a waiver of all claims for damages against the city which may be occasioned to the adjacent land by the established construction, drainage and maintenance of any streets dedicated to the city.
- b. A copy of the protective covenants, if any.
- c. Certification by a Washington-registered civil engineer or land surveyor to the effect that the plat represents a survey made by that person and that the monuments shown thereon exist as located and that all dimensional and geodetic details are correct.
- d. Proper forms for the approvals of the city engineer and the mayor, on behalf of the city council, in the case of a long subdivision; or the city engineer and the code official in the case of short subdivisions, with space for signatures.
- e. Certificates by the county assessor showing that the taxes and assessments on the land to be submitted have been paid in accordance with law, including a deposit for the taxes for the following year.
- f. Approval by the county department of records.
- g. Conditions of approval created at preliminary subdivision approval that affect individual lots or tracts.

***Noted, this will be addressed at the final plat stage.***

4. Other documents. When filed with the city, the final plat shall be accompanied by the following additional documents.
  - a. "As-built" drawings. A plan, profile and section drawing, prepared by a Washington licensed engineer showing all streets and other access ways, water, sewer, storm water detention facilities, retaining walls, and rockeries within the subdivision at a scale of one inch equal to 40 feet or less on a standard sheet 24 inches wide and 36 inches long.
  - b. Plat certificate. A plat certificate issued by a qualified title insurance company not more than 30 days before filing of the final plat showing the ownership and title of all parties interested in the plat. If the plat certificate references any recorded documents (i.e., easements, dedications, covenants, etc.) copies of those documents shall also be provided.

***Noted, this will be addressed at the final plat stage.***