

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | www.mercerisland.gov



Pre-Application Meeting (PRE22-043)

An Intake Screening is required in addition to a Pre-Application Meeting. A Pre-Application Meeting does not replace the required Intake Screening. This meeting is to provide guidance and information include prior to formal submittal.

Summary:

Site Location:	3024 69 th Ave SE	Parcel Number	217510-0315
Lot Size:	8650 square feet	Zoning:	R-8.4 (Single Family)
Brief Project Description:	A proposal to construct a new single-family dwelling on a vacant lot.	Documents Provided:	1. Pre-Application Meeting Request Form 2. List of Questions 3. Site Plan 4. Geotechnical Evaluation 5. Tree Inventory & Replacement Submittal Information
Applicant Information:			
Name:	Clayton Herbst	Email:	clayton@shedbuilt.com
Phone:			708-567-9476
Second Pre-application Meeting Required:	Recommended	Another pre-application meeting is recommended closer to development when you have a better idea of what the project will look like.	

Applicant Questions:

1. The lot is larger than 6000 square feet so variable side yard setbacks are needed. Please confirm that the setbacks shown on the site plan are correct.

Staff Response: The locations of the setbacks shown on the provided site plan are in the correct location. Any construction on this site is subject to the variable side yard setback provision of MICC 19.02.020(C)(1)(c)(iii). This provision is triggered when the wall façade abutting an interior side property line is 15 feet high or taller. It appears that at least 10 feet is provided on both sides of the house, which meets the largest potential variable side yard setback required by MICC 19.02.020(C)(1)(c)(iii).

2. Please confirm that site stairs can be within setbacks if they are carved into the slope and will be less than 30 inches above the grade.

Staff Response: Hardscape, including stairs and walkways, not more than 30 inches above the lower of existing and finished grade, may be installed within any required yard. Please note that

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any retaining walls associated with the stairs must meet the height requirements listed in MICC 19.02.050.

3. Are landscape walls and decks taken into consideration when calculating average building elevation?

Staff Response: As defined in MICC 19.16.010, roof overhangs and eaves, chimneys and fireplaces, unenclosed projecting wall elements (such as columns and fin walls), unenclosed and unroofed stairs, porches, decks, and terraces are not considered to be walls for the purposes of average building elevation calculations.

4. Please confirm how a stepped façade plays into the code language related to the furthest downhill extent of a building. Do sloped roofs affect the downhill building façade height?

Staff Response: MICC 19.02.020(E)(2) does not view a wall façade with a step back differently than a sheer wall façade with no step back. The wall downhill façade height for the proposed house would be measured from the top of Level 2 as depicted on sheet A-301 of the plans to the lower of existing or finished grade at the Garage level.

Since the downhill façade height is measured from the top of the wall, the style of the roof does not affect how the downhill façade height is measured.

5. What information is required for landscaping at the time of permit submittal?

Staff Response: When you apply for a building permit, you will need to provide enough information to show that the landscaping meets all development standards for the single-family residential zone.

6. Are patios with a permeable surface included lot coverage calculations?

Staff Response: Lot coverage is defined in MICC 19.16.010 as the area of a residentially zoned lot that may be covered by a combination of buildings, including eaves and roof overhangs, and vehicular driving surfaces. Patios are not included in lot coverage calculations but must be included in hardscape calculations regardless of whether they are pervious or impervious.

7. Please confirm how hard elements, such as driveways, outside of the property boundaries are accounted for in lot coverage calculations?

Staff Response: Any portion of the driveway outside of the boundaries of the lot does not count against the site's lot coverage limit.

8. A portion of the neighbor's hardscape is located within the rear yard of this lot. Does this hardscape count toward the 9% hardscape allowance?

Staff Response: All hardscape within the boundaries of the lot, including the existing hardscape used by the neighbor, counts toward the 9% hardscape limit.

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9. Does the 5% gross floor area allowance for including an ADU apply for both attached and detached ADUs?

Staff Response: The gross floor area allowance for including an ADU, established in MICC 19.02.020(D)(3)(b) applies for both attached and detached ADUs. Please note that the allowed gross floor area using this provision is 45% of the lot area or 4500 square feet, whichever is less.

10. Please confirm what is required for a space to be considered an ADU.

Staff Response: As defined in MICC 19.16.010, an accessory dwelling unit must provide base requirements for living, sleeping, eating, cooking, and sanitation. This means the ADU must contain a kitchen and a bathroom, as well as room for living and sleeping.

11. Please confirm whether an ADU can be rented out.

Staff Response: An ADU can be rented out. However, Under MICC 19.02.030(B)(1) either the principal dwelling unit or the ADU must be occupied by the property owner or an immediate family member of the property owner.

12. What are the parking requirements for an ADU? Please confirm that only three parking spaces are required for a single-family residence with an ADU.

Staff Response: MICC 19.02.030(B)(9) states that single-family dwellings with an ADU shall meet the parking requirements applicable to the dwelling if it did not have such an ADU. The ADU does not require additional parking spaces.

13. How is the average building elevation for a detached ADU measured?

Staff Response: The average building elevation for accessory buildings, including detached ADUs is calculated using the same methodology used for the average building elevation of the primary structure established in MICC 19.02.020(E)(4).

14. Can parking spaces be partially located outside of lot boundaries?

Staff Response: Under MICC 19.02.020(G)(4), all required parking for a use needs to be located within the boundaries of the lot.

15. Does the proposed garage meet the requirement to be constructed within the front yard setback?

Staff Response: Garages are allowed to be constructed within the front yard setback, and to within 10 feet of the front property line, if there is greater than four vertical feet measured between the elevation at the bottom of the wall of the building and the ground elevation at the front yard property line where such property line is closest to the building. Both of these measurements would be taken from the lower of existing and finished grade. Based on the provided plans, the difference in elevation between the front property line and the westernmost wall of the garage is about 2 feet. As such, the garage would either need to be

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redesigned so it either is either setback at least 20 feet or so the difference in elevation between the front yard and the garage will be at least 4 feet.

16. How is the 12-foot maximum height for the garage within the front yard setback calculated?

Staff Response: As established in MICC 19.02.040(D)(2), the height of the garage is the total height measured from the lower of the existing or finished grade to the top of the building. The total height of the building within the front yard setback is limited to 12 feet, including any parapets, railings, etc.

17. Retaining walls within the right-of-way will be required as the driveway needs to be cut into the slope. Please confirm the permitting process for rockeries and retaining walls within the right-of-way.

Staff Response: In general, structures (including retaining walls) are not allowed in the public right-of-way. You will need to make every effort to design the project without requiring retaining walls in the right-of-way. A detailed justification showing how it is infeasible to develop the site without the retaining walls will be required. If the retaining wall is needed, then it must be placed at least 5 feet away from the city utilities in the right-of-way. The utilities may need to be relocated to meet the 5-foot clearance requirement. A Right-of-Way Encroachment Agreement is required for any private improvements, including the retaining wall in the right-of-way, is required. The agreement must be recorded prior to issuance of the building permit.

18. What are the standards for rockeries and retaining walls?

Staff Response: Retaining walls and rockeries will need to be designed by a professional to meet the building code. Please see the response to Question 17 above for more information about installing retaining walls in the right-of-way or near utilities.

Land use regulations regarding retaining walls and rockeries are set forth in MICC 19.02.050 (see the Planning Comments below). The main takeaways are as follows:

- Retaining walls and rockeries may be located within any required yard.
- Retaining walls and rockeries located in the front yard (within 20 feet of the front property line) are limited in height to 42 inches.
- Retaining walls in other yards are limited in height as follows:
 - 72 inches in height for walls used to raise grade and protect a fill slope.
 - 144 inches to protect a cut or cuts into existing grade.
- Retaining walls outside of required yards are limited in height to 17 feet.

19. What critical areas are present on site?

Staff Response: The City of Mercer Island GIS shows that the following geologically hazardous areas are present on the site:

- Landslide hazard areas.
- Erosion hazard areas.

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- Seismic hazard areas.

No wetlands or watercourses are mapped on this site.

20. What type of critical area review will be needed for this project? Can the application for the critical area review be submitted concurrently with the building permit or would it need to be submitted prior to the building permit.

Staff Response: A Critical Area Review 2 will be required for this project as it does not qualify as a modification under MICC 19.07.130. The application for a Critical Area Review 2 can be submitted concurrently with the building permit application, but the Critical Area Review would need to be approved before building permit issuance.

21. Does this project qualify for any exemptions to the critical area regulations?

Staff Response: The exemptions for critical areas are established in MICC 19.07.120. The construction of a new single-family residence on a vacant lot would not qualify for any of the listed exemptions.

22. What are the applicable development standards for landslide hazard areas?

Staff Response: The development standards for landslide hazard areas are listed in MICC 19.07.160(B) and (C). Any development involving an alteration to a landslide hazard area requires a geotechnical report that addresses the standards listed in these code subsections.

23. Do steep slopes need to be delineated? What is the correct way to locate hazards?

Staff Response: The steep slopes should be delineated by either a surveyor or a geotechnical engineer.

24. The only tree surveyed on site is has a diameter of 8 inches. The Mercer Island City Code requires 10-inch trees to be retained. Please confirm that there are no special requirements for removing the tree.

Staff Response: Conformation of all trees on site and those on adjacent property with an encroaching dripline will be required by your project arborist. A tree inventory containing the following will be required:

- a. A numbering system of all existing large trees on the property with corresponding tags on trees. The inventory shall also include large trees on adjacent properties with driplines or critical root zones extending into the subject property.
- b. Tree size (diameter).
- c. Proposed tree status – whether the tree will be retained or is proposed for removal.
- d. Tree type or species.
- e. Identify all exceptional trees and differentiate between those less than 24 inches and those greater than or equal to 24 inches in diameter.
- f. Brief general health or condition rating of each tree (i.e. poor, fair, good, etc.).

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25. The storm main and catch basin are in the right-of-way in front of the house. What is the discharge point? Can work happen on top of the existing facilities?

Staff Response: The drainage design shall meet the current city code (MICC 15.09) and must be prepared by a civil engineer. This site will require an onsite detention system. The discharge from the detention system can connect to the storm drainage system on 69th Ave SE. Work cannot occur on top of the facilities.

26. Overhead power runs across the site. Can this power line and the power connection be undergrounded?

Staff Response: The city is not involved with power or undergrounding power lines. Please contact Puget Sound Energy for any questions related to power.

27. Do the design standards of Chapter 19.12 MICC apply to this proposal?

Staff Response: The design standards of Chapter 19.12 MICC do not apply for single-family residential projects.

Review Comments:

Tree Comments:

Tree Contact: John.Kenney@mercerisland.gov or 206-275-7713.

1. Please refer to MICC 19.10 for our tree code.
2. 30% of trees with a diameter of 10 inches or greater is required; additionally, development must be designed to minimize tree removal.
3. Replacement is required for any regulated trees that are removed, according to the replacement ratios in MICC 19.10.070.
 - a. A replacement tree plan will be required.
 - b. At least half of the replacement trees need to be native to the Pacific Northwest. Please see the following link for details: https://oregonstate.edu/trees/common_name.html.
 - c. The trees need to be at least 10 feet apart from each other, structures, fences, and utilities. Upon request and demonstration that insufficient space exists on site for all the trees, the remainder can be a fee in lieu.
4. Tree protection (typically at tree dripline) of retained trees will be required for regulated trees.
5. See the following link for arborist qualifications [treessubmittalchecklist.pdf \(mercerisland.gov\)](#)

For additional information please refer to this helpful webpage:

<https://www.mercerisland.gov/cpd/page/tree-permits>

Civil Engineering Comments:

Civil Contact: Ruji.Ding@mercerisland.gov or 206-275-7703.

1. Right-of-Way Standards.
 - a. In general, structures, including retaining walls, are not allowed in the public right-of-way.

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- b. Every effort will need to be made to design the project without requiring retaining walls in the right-of-way.
 - c. A detailed justification with a design showing how it is infeasible to develop this site without retaining walls in the right-of-way is required.
 - d. If the retaining wall is needed, then the retaining wall must be placed at least 5 feet away from the city utilities (water, sewer, and storm) in the right-of-way. The concrete/pavers must also be at least 5 feet away from the city utilities. Relocation of the city utilities may be required to meet the 5-foot clearance requirement.
 - e. Concrete retaining walls are acceptable in the ROW.
 - f. Any excavation in the ROW will need to be minimized and approved by the project geotechnical engineer.
 - g. A Right-of-Way Encroachment Agreement is required for any private improvements, including the retaining wall. The agreement must be recorded prior to issuance of the building permit.
 - h. The retaining wall will need to be designed to meet the building code.
 - i. The maximum width of the driveway apron in the right-of-way is 20 feet.
2. Utilities
- a. The drainage design shall meet the current city code (MICC 15.09) and must be prepared by a civil engineer.
 - b. The site will require an onsite detention system. The discharge from the detention system can connect to the storm drainage system on 69th Ave SE.
 - c. Work cannot take place on top of the storm facilities.
 - d. The city is not involved with power or undergrounding power lines. Please contact Puget Sound Energy for any questions related to power.
3. Please refer to MICC Title 15 for our Water, Sewers, and Public Utilities code.

For more information on Stormwater Permits please visit here:

<https://www.mercerisland.gov/cpd/page/stormwater-permits>

Planning Comments:

Planning Contact: Andrew.Leon@mercerisland.gov or 206-275-7720.

1. Residential Zoning Standards:
 - a. Yards.
 - i. Front yard: 20 feet
 - ii. Rear yard: 25 feet
 - iii. Side yards:
 1. For lot with a width of greater than 90 feet, the following standards apply:
 - a. Total side yard width must be 17% of the lot width.
 - b. No side yard less 33% of the total side yard width.
 2. Variable Side Yard Depth Requirement:
 - a. Variable Side Yard Depth Requirements apply to interior lot lines only.
 - b. A minimum side yard of 7.5 feet is required for 1) nongabled roof ends where the height is more than 15 feet; or 2) gabled roof ends more than 18 feet. Both measurements are taken from existing or finished grade, whichever is lower, to the top of the gabled roof end adjoining the side yard.
 - c. A minimum side yard of 10 feet is required for single-family dwellings with a height of more than 25 feet measured from the existing or finished grade,

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- whichever is lower, to the top of the exterior wall facade adjoining the side yard.
- iv. Eaves may only protrude up to 18 inches into yards. Note that no protrusion is allowed within *minimum* side yard setbacks, including minimum side yards modified by the variable side yard setback provision.
 - v. No eave and minor building element protrusion is allowed into the minimum side yard setback established by either the requirements based on lot width or Variable Side Yard Depth Requirement. (MICC 19.02.020(C)(3)).
- b. Height:
- i. 30 feet maximum above the Average Building Elevation (ABE) to the highest point of the roof.
 1. Please see MICC 19.02.020(E)(4) for information on how to calculate the ABE.
 - ii. 30 feet on the furthest downhill extent of the proposed building to the top of the exterior wall façade supporting the roof framing, rafters, trusses, etc.
- c. Lot Coverage:
- i. Calculated by totaling the following:
 1. All drivable surfaces (driveway, parking pad, turn-arounds, etc. regardless the material type; e.g. pervious driveway counts towards lot coverage)
 2. Roof line (includes eaves, gutters, and covered decks)
 - ii. Lot Coverage is limited to a percentage of net lot area; this percentage varies between 20-40% depending on the slope of the lot. Lot slope is calculated by subtracting the lowest existing elevation from the highest existing elevation and dividing the resulting number by the shortest horizontal distance between these two points.
 1. Based on the lot slope shown on the provided site plan, the lot coverage would be limited to 30% of the net lot area.
 - iii. Hardscape coverage is limited to the lesser of 755 square feet or 12% of the new lot area.
 1. Hardscape includes patios, uncovered steps, walkways, decks, retaining walls, rockeries, and other hardened surfaces other than drivable surfaces or roofs.
 2. Hardscape improvements can be within the maximum lot coverage allowance. That is, if the proposed lot coverage is less than the maximum lot coverage, the difference between the maximum and proposed areas can be used for hardscape.
- d. Gross Floor Area:
- i. Gross Floor Area includes:
 1. The main building, including but not limited to attached accessory buildings.
 2. All garages and covered parking areas.
 3. Detached accessory buildings with a gross floor area over 120 square feet.
 4. That portion of a basement which projects above the lower of existing grade or finished grade as defined and calculated in Appendix B of this development code.
 5. Staircases.
 6. Decks that are attached to the second or third level of a single-family dwelling and are covered by a roof. For the purposes of calculating the gross floor area of covered decks, the entire deck area covered by the roof shall be accounted for as floor area, provided an 18-inch eave extending beyond the edge of the deck shall not be included in the gross floor area.
 7. Space under stairways or stairwells that is used, for example, as a closet or storage space if that space meets the definition of "Floor."

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- ii. Maximum is 40% of the lot area or 5000 square feet, whichever is less.
 - 1. 40% of the lot area is approximately 8650 square feet, so the maximum allowed gross floor area is 3460 square feet.
- iii. Based on ceiling height, additional GFA may be applied
 - 1. The gross floor area shall be **150 percent** of the floor area of that portion of a room(s) with a ceiling **height of 12 feet to 16 feet**, measured from the floor surface to the ceiling.
 - 2. The gross floor area shall be **200 percent** of the floor area of that portion of a room(s) with a ceiling height of **more than 16 feet**, measured from the floor surface to the ceiling.
 - 3. Staircases shall be counted as a single floor for the first two stories accessed by the staircase. For each additional story above two stories, the staircase shall count as a single floor area. For example, a staircase with a 10-foot by 10-foot dimension that accesses three stories shall be accounted as 200 square feet (100 square feet for the first two stories, and 100 square feet for the third story).
- iv. Second or third level covered decks count towards GFA, only uncovered or covered decks on the main level don't count towards GFA.
- v. Allowances.
 - 1. If an accessory dwelling unit (ADU) is proposed, the 40% allowed gross floor area may be increased by the lesser of 5 percentage points or the actual floor area of the proposed ADU, provided:
 - a. The allowed gross floor area of accessory buildings that are not partially or entirely used for an ADU shall not be increased through the use of this provision.
 - b. The lot will contain an ADU with the application for a new or remodeled single-family home.
 - c. The total gross floor area shall not exceed 4500 square feet or 45% of the lot area, whichever is less.
- e. Parking
 - i. Each single-family dwelling with a gross floor area of 3000 square feet or more shall have at least 3 parking spaces sufficient in size to park a passenger automobile, provided at least two of the stalls shall be covered stalls.
 - ii. Each single-family dwelling with a gross floor area of less than 3000 square feet shall have at least 2 parking spaces sufficient in size to park a passenger automobile, provided at least one of the stalls shall be a covered stall.
 - iii. Except as otherwise provided in Chapter 19.02 MICC, each lot shall provide parking deemed sufficient by the code official for the use occurring on the lot; provided, any lot that contains 10 or more parking spaces shall also meet the parking lot requirements set out in Title 19, Appendix A.
- 2. Accessory Dwelling Units (ADUs)
 - a. One ADU is permitted as subordinate to an existing single-family dwelling, provided the following requirements are met:
 - i. Either the principal dwelling unit or the ADU must be occupied by an owner of the property or an immediate family member of the property owner. Owner occupancy is defined as a property owner, as reflected in title records, who makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means, and actually resides at the site more than 6 months out of any given year.

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- ii. The total number of occupants in both the principal dwelling unit and ADU combined shall not exceed the maximum number established for a family as defined in MICC 19.16.010 plus any live-in household employees of such family.
 - iii. ADUs shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit.
 - iv. The square footage of the ADU shall be a minimum of 220 square feet and a maximum of 900 square feet, excluding any garage area, provided the square footage of the ADU shall not exceed 80% of the total square footage of the primary dwelling unit, excluding the garage area, as it exists or as it may be modified.
 - v. The ADU may be added to or included within the principal unit, or located in a detached structure.
 - vi. The single-family dwelling containing the ADU shall have only one entrance on each front or street side of the residence except where more than one entrance existed on or before January 17, 1995.
 - vii. Additions to an existing structure or newly constructed detached structures created for the purpose of developing an ADU shall be designed consistent with the existing roof pitch, siding, and windows of the principal dwelling unit.
 - viii. ADUs shall be permitted in a detached structure.
 - ix. All single-family dwellings with an ADU shall meet the parking requirements pursuant to MICC 19.02.020(G) applicable to the dwelling if it did not have such an ADU.
- b. Approval of the ADU shall be subject to the applicant recording a document with the King County department of records and elections which runs with the land and identifies the address of the property, states that the owner(s) resides in either the principal dwelling unit or the ADU, includes a statement that the owner(s) will notify any prospective purchasers of the limitations of this section, and provides for the removal of the ADU if any of the requirements of this chapter are violated.
- c. Elimination of an ADU may be accomplished by the owner recording a certificate with the King County department of records and elections and development services stating that the ADU no longer exists on the property.
3. Garages, other accessory buildings and accessory structures
- a. Accessory buildings, including garages, are not allowed in required yards except as otherwise provided.
 - b. An attached accessory building shall comply with code requirements applicable to the main building.
 - c. Standards for detached accessory buildings and accessory structures.
 - i. Gross floor area.
 - 1. The combined total gross floor area for one or more accessory building(s) shall not exceed 25% of the total gross floor area allowed on a lot within applicable zoning designations pursuant to MICC 19.02.020. For example, on a lot where the total allowed gross floor area is 4000 square feet, the combined total gross floor area for all accessory buildings is 1000 square feet.
 - 2. The gross floor area for a detached accessory building that is entirely or partially used for an accessory dwelling unit may be increased by the additional floor area authorized pursuant to MICC 19.02.020(D)(3)(b).
 - ii. Height.
 - 1. Detached accessory buildings, except for buildings that contain an accessory dwelling unit, are limited to a single story shall not exceed 17 feet in height above

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- the average building elevation computed from existing grade or finished grade, whichever is lower, to the highest point of the roof. Average building elevation is calculated using the methodology established in MICC 19.02.020(E)(4).
2. Detached accessory buildings that are entirely or partially used for an ADU shall meet the height limits established for the primary building.
- d. Garages and carports may be built to within 10 feet of the property line in the front yard, provided the following are met:
 - i. There is greater than 4 vertical feet measured between the elevation at the bottom of the wall of the building and the ground elevation at the front yard property line where such property line is closest to the building. The elevations of both the intersection of the building and the ground, and the point of the property line closest to the wall of the building, shall be measured using the lower of the existing and finished grade.
 - ii. The height of such garage or carport shall not exceed 12 feet from existing or finished grade, whichever is lower, for that portion built within the front yard.
4. Fences, retaining walls, and rockeries
 - a. Fences, retaining walls, and rockeries may be located within any required yard as specified in MICC 19.02.050.
 - b. Location in street.
 - i. No fence shall be located in any improved street. Fences may be allowed in unimproved public streets subject to approval of the city engineer and the granting of an encroachment agreement as required by MICC 19.06.060.
 - ii. Retaining walls and rockeries may be allowed in any street subject to the approval of the city engineer and the granting of an encroachment agreement covering any public street as required by MICC 19.06.060.
 - c. Height measurement.
 - i. The height of a fence or gate is measured from the top of the fence or gate, including posts, to the existing grade or finished grade, whichever is lower, directly below the section of the fence or gate being measured.
 - ii. The height of a retaining wall or rockery is measured from the top of the retaining wall or rockery to the existing or finished grade, whichever is lower, directly below the retaining wall or rockery.
 - iii. Multiple retaining walls. Retaining walls outside of required yard setbacks shall be stepped to meet a 1:1 ratio of separation with 45 degrees of grade to be considered separate. For example, two 6-foot-tall retaining walls would need to be separated by at least 6 feet of horizontal distance measured from the toe of the upper wall to the top of the bottom wall, to be considered separate and not combined for maximum height calculations.
 - d. Retaining walls and rockeries – Requirements.
 - i. A building permit is required for retaining walls or rockeries not exempted from permit by Section 105.2 of the Construction Administrative Code and Chapter 17.14 MICC.
 - ii. Any rockery requiring a building permit shall be designed and inspected by a licensed geotechnical engineer.
 - iii. Drainage control of the area behind the rockery shall be provided for all rockeries.
 - iv. Maximum height in required yard – Cut slopes.
 1. No retaining walls or rockeries, or any combination of retaining walls or rockeries, to the extent used to protect a cut or cuts into existing grade within any required yard, shall exceed a total of 144 inches in height.

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2. All retaining walls and/or rockeries within a required yard shall be included in calculating the maximum height of 144 inches.
3. Retaining walls or rockeries may be topped by a fence as provided in MICC 19.02.050(E).
- v. Maximum height in required yard – Fill slopes
 1. No retaining walls or rockeries, or any combination of retaining walls or rockeries, to the extent used to raise grade and protect a slope, shall result in an increase in the finished grade by more than 72 inches at any point.
 2. All retaining walls and/or rockeries within a required yard shall be included in calculating the maximum height of 72 inches.
 3. Retaining walls or rockeries may be topped by a fence as provided in MICC 19.02.050(E).
- e. Fences and gates.
 - i. Fences or gates in required yards.
 1. Height limits.
 - a. Fences and gates are allowed to a maximum height of 72 inches within required side or rear yards, provided the combined height of a fence and retaining wall or rockery for a fill slope authorized pursuant to MICC 19.02.050(D)(5) shall not exceed a total height of 72 inches.
 - b. Fences, gates, or any combination of retaining walls, rockeries, and fences are allowed to a maximum height of 42 inches within required front yards.
 2. No person shall place fill upon which to build a fence unless the total height of the fill plus the fence does not exceed the maximum height allowable for the fence without the fill.
5. Critical area constraints (on and off-site)
 - a. Geologically hazardous areas
 - i. The City of Mercer Island GIS shows the following geologically hazardous areas on this site:
 1. Landslide hazard areas.
 2. Erosion hazard areas.
 3. Seismic hazard areas.
 - ii. Geotechnical reports must address the criteria in MICC 19.07.160, which include an analysis documenting that the subject property, neighboring properties, and other critical areas will not be adversely impacted. A statement of risk must also be provided. Please review the following code sections for full details:
 1. MICC 19.07.160(B) and (C) for landslide hazard areas.
 2. MICC 19.07.160(D) for seismic hazard areas.
 3. MICC 19.07.160(E) for erosion hazard areas
 - iii. A separate land use permit for a Critical Area Review 2 will be required to review the critical area study.
6. State Environmental Policy Act (SEPA) Review
 - a. The proposed scope of work is exempt from SEPA review pursuant to WAC 197-11-800(1)(b)(i).
7. Building Pads
 - a. New subdivisions shall designate a building pad for each lot as follows:
 - i. The building pad shall be located to minimize or prevent impacts in the following:

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1. Removal of trees and vegetation required for retention pursuant to Chapter 19.10 MICC shall be prevented.
 2. Disturbance of the existing, natural topography as a result of anticipated development within the building pad shall be minimized.
 3. Impacts to critical areas and critical area buffers shall be minimized, consistent with the provisions of Chapter 19.07 MICC.
 4. Access to the building pad shall be consistent with the standards contained in MICC 19.09.040.
 - ii. Building pads shall not be located within:
 1. Required front, rear, or side yard setbacks.
 2. Streets or rights-of-way
 3. Critical areas, buffers or critical area setbacks; provided building pads may be located within geohazard areas and associated buffers and setbacks when all of the following are met:
 - a. A qualified professional determines that the criteria of MICC 19.07.160(B)(2) and (3), Site Development, are satisfied.
 - b. Building pads are sited to minimize impacts to the extent feasible.
 - c. Building pads are not located in steep slopes or within 10 feet from the top of a steep slope, unless such slopes, as determined by a qualified professional, consist of soil types determined not to be landslide prone.
 - iii. No Cross-section dimension of a building pad shall be less than 20 feet in width.
 - b. No designated building pad.
 - i. New development on a lot without a previously designated building pad area shall establish a building pad consistent with the provisions of MICC 19.09.090(A).
 - ii. A building pad on a large lot shall also comply with the provisions of MICC 19.02.020(I).
 - c. New buildings shall be located within the building pad established by MICC 19.09.090(A) and (B).
8. Preferred Development Standards
- a. Proposed development shall incorporate all of the following preferred development practices where feasible:
 - i. Use common access drives and utility corridors.
 - ii. Development, including roads, walkways and parking areas, in critical areas should be avoided, or if not avoided, adverse impacts to critical areas will be mitigated to the greatest extent reasonably feasible.
 - iii. Retaining walls should be designed to minimize grading, including the placement of fill, on or near an existing natural slope.
9. Impact fees
- a. Current rates are:
 - i. Transportation - \$2,600.31
 - ii. Parks - \$4,914.53
 - b. Note that fees are due at the time they are assessed--they do not vest to the time of complete subdivision or building permit application.
10. Transportation Concurrency: Please apply for a transportation concurrency certificate at the same time as the building permit.
11. Vesting: Please see the standards in MICC 19.15.170.
12. Application fees
- a. Deposit due at time of application

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- b. Review time is billed hourly against the deposit; additional fees may be requested if additional review time is required.
 - c. When third-party technical review is required (e.g. geotechnical, wetland, watercourse etc.), this is billed separately, in addition to staff review time.
13. Land Use Application Process and Estimated Timeline:
- a. Required land use approvals
 - i. Critical Area Review 2
 - ii. Accessory Dwelling Unit
 - b. Prompt for consolidated review
 - c. Summary of procedural steps
 - i. Pre-Application meeting
 - ii. Submit application electronically
 - iii. Application Completeness Check
 - iv. Notice of Application (incl. public notice via sign on site, mailing, notice in bulletin) beginning 30-day comment period; review begins
 - v. Review comments may be sent out if needed
 - vi. Notice of Decision
 - vii. Appeal period
 - d. Expiration of Approvals
 - i. Land use approvals other than subdivisions shall expire 3 years from the date of the notice of decision if the development proposal authorized by the land use review is not commenced.

Land Use Decisions

Type of Review	Target
Completeness Review	4 weeks
First review	8-12 weeks
Second and subsequent reviews	6 weeks
Staff Report / Decision (following completion of review)	3-4 weeks

Single Family Residential	
First Review	8-12 weeks
Second Review	3 weeks
Third and subsequent reviews	2 weeks
Revisions	2-3 weeks
Express Reviews (see note below)**	4 weeks

For more information on Land Use and Planning please refer to this useful webpage:

<https://www.mercerisland.gov/cpd/page/land-use-application-forms-and-submittal-requirements>

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Regards

Andrew Leon
Planner
Community Planning & Development
City of Mercer Island

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August 16, 2022

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