



CITY OF MERCER ISLAND CITY COUNCIL MEETING AGENDA

Tuesday
September 19, 2017
5:00 PM

**Mayor Bruce Bassett
Deputy Mayor Debbie Bertlin
Councilmembers Dan Grausz,
Salim Nice, Wendy Weiker,
David Wisenteiner, and Benson Wong**

Contact: 206.275.7793, council@mercergov.org
www.mercergov.org/council

All meetings are held in the City Hall Council Chambers at
9611 SE 36th Street, Mercer Island, WA unless otherwise noticed

"Appearances" is the time set aside for members of the public to speak to the City Council about any issues of concern. If you wish to speak, please consider the following points:
(1) speak audibly into the podium microphone, (2) state your name and address for the record, and (3) limit your comments to three minutes.
Please note: the Council does not usually respond to comments during the meeting.

In compliance with the Americans with Disabilities Act, those requiring accommodation for the meeting should notify the City Clerk's Office at least 24 hours prior to the meeting at 206.275.7793.

REGULAR MEETING

CALL TO ORDER & ROLL CALL, 5:00 PM

AGENDA APPROVAL

EXECUTIVE SESSION

Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for one hour

STUDY SESSION, 6:00 PM

- (1) AB 5344 Right of Way (ROW) Services Report

CITY MANAGER REPORT, 7:00 PM

APPEARANCES

CONSENT CALENDAR

- (2) Payables: \$392,835.76 (08/03/2017), \$531,223.43 (09/07/2017)
Payroll: \$811,962.76 (09/01/2017)
Minutes: September 5, 2017 Regular Meeting Minutes
AB 5342 Port of Seattle Grant Acceptance for Wayfinding Sign Program

REGULAR BUSINESS

- (3) AB 5345 Residential Development Standards Code Amendments (7th Reading and Adoption)
- (4) AB 5339 2016 General Fund & REET Year-End Surplus Disposition

OTHER BUSINESS

Councilmember Absences
Planning Schedule
Board Appointments
Councilmember Reports

EXECUTIVE SESSION

Executive Session to review the performance of a public employee pursuant to RCW 42.30.110(1)(g) for one hour

ADJOURNMENT



**BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND, WA**

**AB 5344
September 19, 2017
Study Session**

RIGHT OF WAY (ROW) SERVICES REPORT	Proposed Council Action: No action necessary. Recieve report.
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DEPARTMENT OF	Public Works (Jason Kintner)
COUNCIL LIAISON	n/a
EXHIBITS	n/a
2017-2018 CITY COUNCIL GOAL	n/a
APPROVED BY CITY MANAGER	

AMOUNT OF EXPENDITURE	\$	n/a
AMOUNT BUDGETED	\$	n/a
APPROPRIATION REQUIRED	\$	n/a

SUMMARY

Trees are a defining characteristic of Mercer Island, contributing greatly to its rural feel. The City has encouraged preservation and protection of steep slopes, watercourses, ravines and other environmentally sensitive areas on public lands. The continued health and viability of trees within the public Rights-of Way (ROW) requires planning and funding programs that ensure trees and other native vegetation are preserved, maintained, removed and replaced where necessary. ROW Tree Maintenance is an ongoing program to identify, evaluate, remove and replant hazardous trees within the public ROW. It is a single programmatic element within the scope of the ROW Team.

This report is intended to take a closer look at the current operational and projected priorities for the ROW Team, and further define and prioritize Council’s goals for urban management of the ROW. Simply put, due to resource constraints, the ROW Team cannot continue to maintain current service levels, address organizational priorities, and increase ROW urban forest program service levels. Further discussion and evaluation of services with the Council is needed to help outline the ROW service priorities.

BACKGROUND

The Right-of-Way Team, responsible of essential ongoing maintenance programs within the public Rights-of-Ways, is funded by the General Fund, Beautification Fund, and Stormwater Utility. Routine maintenance activities include:

- pavement markings
- street sign maintenance
- pothole repairs
- roadway shoulder work
- street sweeping
- street light maintenance

- sidewalk maintenance
- vegetation work
- planter bed beautification (Town Center portion paid for from the Beautification Fund)
- special event support (Farmer's Market, Rotary Run, Seafair, Art Uncorked, etc.).

In total, over 84 miles of roadway and over 300 acres of undeveloped rights-of-way (unopened ROW) are maintained by the ROW Team.

Additionally, the ROW Team is responsible for maintaining the stormwater utility. Guided by the requirements set forth in the Western Washington Phase II National Pollutant Discharge Elimination System (NPDES) permit, the ROW team maintains:

- 117 miles of stormwater pipes
- 4,640 catch basins
- Surface water inspection and testing of flow control facilities
- 20 miles of roadside ditches
- 13 miles of watercourses

Street sweeping (including a 0.75 FTE) was moved to the Stormwater Utility (from the General Fund) starting in 2015.

The ROW team is comprised of seven (7) full-time employees and a half-time (0.5) contracted certified arborist. ROW and Stormwater services are completed largely utilizing existing City staff. Maintenance activities that require specialized equipment or services are contracted. On average, between the years 2013 and 2016, the ROW Team responded to over 570 reactive maintenance requests per year. These are often citizen generated phone calls or inquiries specific to the ROW functions. These requests are in addition to regularly scheduled preventative, predictive, or corrective maintenance functions.

While the workload for this work group remains high, the citizen survey results continue to show high levels of satisfaction in the community. According to the results from the 2014 citizen survey, maintenance of sidewalks, pedestrian paths and bike paths were rated as "good" or "excellent" by 72% of respondents, and 75% of respondents rated street maintenance as "good" or "excellent." There is not a category within the citizen survey related to vegetation or urban forest management specific to the City's ROW. However, 88% of respondents in the 2014 citizen survey rated maintaining parks, trails and open space as "good" or "excellent."

RIGHT OF WAY STAFFING AND BUDGET HISTORY

The budget for ROW services was significantly reduced in 2009 (1 FTE), in 2011 (0.5 Contract FTE) and again in 2015 (1 FTE) for a total net reduction of 2.5 FTE's. An additional Trails Maintenance position (1.0 FTE) was eliminated in 2011, however this work was moved to the Parks Maintenance Team. Beginning in 2013, a small portion of the ROW Team was allocated to Capital Projects (0.05 FTE). Beginning in 2015, roadway street sweeping services (0.75 FTE) was programmed as a Stormwater Utility Service as outlined in the NPDES permit. In 2017 a half time contract position (0.5 FTE) was restored as part of the ROW Tree Assessment Plan Service Enhancement to the 2017-2018 Budget. The following table represents the staffing and approved expenditure history since 2007.

Staffing	2007-2008	2009-2010	2011-2012	2013-2014	2015-2016	2017-2018
Summary	Budget	Budget	Budget	Budget	Budget	Budget
Right-of-Way Services - Regular	7.50	6.50	5.50	5.45	3.70	3.70
Right-of-Way Services - Contract	0.50	0.50	0.00	0.00	0.00	0.50
Stormwater Services - Regular	2.20	2.70	2.50	2.50	3.25	3.25
Total Regular Employees	10.20	9.70	8.00	7.95	6.95	7.45

Average Annual Budget	2007-2008	2009-2010	2011-2012	2013-2014	2015-2016	2017-2018
by Function	Budget	Budget	Budget	Budget	Budget	Budget
Right-of-Way Services	\$1,250,356	\$1,291,519	\$1,074,854	\$990,666	\$889,993	\$1,020,010
Stormwater Utility Services	616,589	704,019	743,528	810,175	810,175	810,175
Towncenter Beautification	115,000	169,000	166,701	163,677	156,050	170,339
Total Average Annual Budget	\$1,981,945	\$2,164,538	\$1,985,082	\$1,964,518	\$1,856,218	\$2,000,523

CURRENT ROW TREE PROGRAM

ROW tree maintenance is a programmatic component within ROW services. The ROW tree program includes performing baseline assessments of arterial trees, responding to citizen requests and concerns, coordination with utility pruning services and providing advisement on Public Works capital projects (tree construction protection). This program plants native trees and shrubs and manages tree risk on over 300 acres of “unopened” ROW.

As part of the 2017-2018 budget, a half-time contracted arborist position was restored to provide a boundary tree condition survey within the public ROW, prioritizing East Mercer Way initially and moving throughout the Island. The baseline assessment will be progressive each year and includes a level 1 (visual tree inspection with minor core density and root evaluation) to determine if a more detailed level 2 evaluation is necessary. The comprehensive boundary evaluation provides a baseline assessment, using International Society of Arboriculture (ISA) standards, for ongoing management and replacement. The goal of this program is to lower the frequency and severity of accidents, resulting in fewer road closures and power outages, and establishing healthier and longer living trees that enhance the Island canopy cover.

The arborist position was filled in February 2017. To date, the arborist has responded to over 60 citizen requests and has logged approximately 100 trees for on-going tree maintenance/inspection in the first six months. Just over two miles of baseline assessments have been completed on East Mercer Way, including the identification and management of over 22 hazardous trees that were removed, snagged, or pruned and an additional 15 trees that are currently being sent out to solicit bids for maintenance work. Consistent with the City code, trees designated for removal are evaluated and a replacement ratio is determined. A minimum 1:1 (remove: replace) replacement ratio is used. In many cases, high ratios (1:6 remove: replace) are used to improve native vegetation growth. Trees that cannot be replaced in the existing ROW are relocated to other ROW areas.

Challenges remain. Due to demands, more than half of the arborist’s time is dedicated to citizen inquiries rather than the completion of baseline assessments. In 2016, over 104 tree-related citizen inquiries were received. In addition, increasing demands caused by storm events continue to slow progress towards a more proactive urban tree management program.

FUTURE OPPORTUNITIES

Following the performance audit completed in 2015, the Department has begun formalizing business processes and implementing action items identified in the report, including implementation of a new Maintenance Management System (MMS). The MMS is currently in configuration and will “go-live” in early 2018. Through integration with the City’s Geographic Information Systems (GIS), crews will be able to

manage city assets and infrastructure more efficiently and effectively, including ongoing maintenance and evaluation of ROW trees. Trees identified as needing ongoing care and inspection will be tracked within this business system.

Staff envisions a proactive ROW urban forest program that includes coordination with City infrastructure and private utilities. Currently, ROW staff is looking to identify future reinvestment locations around the Island where tree replacements can be utilized to enhance the Island canopy coverage and native vegetation. Pre-planning and evaluation of these locations is needed to minimize future infrastructure and mechanical conflicts.

In addition, immediate tree needs in the Town Center remain as an ongoing concern and challenge for staff. In particular, areas such as the 78th Ave SE sidewalks have locations where trees have outgrown the designated spaces, often causing lift damage to sidewalks. Many trees indicate slow or stagnant growth and show signs of stress due to limited soil volumes or compacted root zones consistent with urban environments. In 2015, over 500 different locations within the Town Center had trip hazards removed, many caused by tree roots. Selecting the proper tree and designing the proper necessary soil volumes will be essential to tree growth and canopy development within the urban ROW spaces.

STAFF RECOMMENDATION

The health, viability, and long-term growth of trees within the City's urban forest remain a priority for the Public Works Department and the City. Due to competing needs, ongoing staff discussions with Council related to levels of service are needed. Better asset management is needed to develop and track efficiency measures in which wholistic discussions pertaining to levels of service can occur.

Beginning in 2018, following the completion of the MMS and as an element of the 2019-2020 budget development, staff recommends developing a level of service plan for ROW services. As part of the budget development process, staff will return to Council with recommendations on levels of service and seek additional policy input regarding the ROW tree program.

RECOMMENDATION

Public Works Director

Receive report and provide staff direction.

CERTIFICATION OF CLAIMS

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Mercer Island, and that I am authorized to authenticate and certify to said claim.

Charles L. Corder

Finance Director

I, the undersigned, do hereby certify that the City Council has reviewed the documentation supporting claims paid and approved all checks or warrants issued in payment of claims.

Mayor

Date

<u>Report</u>	<u>Warrants</u>	<u>Date</u>	<u>Amount</u>
Manual Warrant	1008	7/25/2017	\$ 491.00
Check Register	188267-188373	8/03/2017	\$ 392,344.76
			\$ 392,835.76

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00188267	08/03/2017	ACCESS DATA ENTRY, BLACK BOX DELIVERY	P0095957	2094652	06/30/2017	405.75
00188268	08/03/2017	ADS LLC 2017 SEWER BASIN 40 INFILTRATI	P94157	222160617	06/24/2017	28,270.00
00188269	08/03/2017	ALERNA GOLF & TENNIS/ SEATTLE Golf Camp instructor fees	P0095943	32	07/17/2017	2,683.10
00188270	08/03/2017	AM TEST INC INV 99762 WATER QUALITY SAMPLE	P0095991	99762	07/27/2017	240.00
00188271	08/03/2017	ANDERSON, RODNEY M GIS CONF EXPENSES		OH008578	07/25/2017	1,137.95
00188272	08/03/2017	ARC DOCUMENT SOLUTIONS print/scan charges	P0095970	1716098/1711459	06/13/2017	53.45
00188273	08/03/2017	ARTSITELTD LLC Upkeep for Fire Flower Sculptu	P0095981	1401	07/10/2017	1,298.08
00188274	08/03/2017	ASTRAL COMMUNICATIONS INC Modem Antenna	P0095784	170927	07/10/2017	240.90
00188275	08/03/2017	AUTO SPA CAR WASH COUPONS \$10.90	P0095918	20171	07/31/2017	1,090.00
00188276	08/03/2017	BEST PARKING LOT CLEANING INC INV 158525 2017 ON CALL	P0095947	158525/158533/15	06/19/2017	14,397.25
00188277	08/03/2017	BUILDERS EXCHANGE OF WA SUB BASIN 27A.9 SEWER AND DRAI	P0095929	1055305	07/13/2017	110.90
00188278	08/03/2017	CASCADE ELITE GYMNASTICS Instructor fees Course #16942	P0095986	16942/16943	07/31/2017	1,773.80
00188279	08/03/2017	CDW GOVERNMENT INC Adobe Acrobat DC Pro	P0095753	JMC4459	07/14/2017	417.20
00188280	08/03/2017	CEDAR FALLS TREE SERVICE LLC INV. 1296 2 FIR AND COTTONWOO	P0095995	1296	07/27/2017	2,496.60
00188281	08/03/2017	CENTURYLINK PHONE USE JULY 2017		OH008529	07/16/2017	59.69
00188282	08/03/2017	CHAPTER 13 TRUSTEE PAYROLL EARLY WARRANTS		4AUG17	08/04/2017	1,331.00
00188283	08/03/2017	CHRISTIANSEN, ANNE Instructor fees Course #16846	P0095941	16847	07/26/2017	3,951.36
00188284	08/03/2017	CINTAS CORPORATION #460 2017 Rug cleaning services for	P93815	460165383/460170	07/06/2017	123.00
00188285	08/03/2017	CODE PUBLISHING CO MICC E-Update Through 17-18	P0095864	57083	07/14/2017	636.35
00188286	08/03/2017	COMCAST 2017 ANNUAL PW WI-FI SERVICE	P93757	OH008566	07/07/2017	95.90
00188287	08/03/2017	COMMERCIAL LANDSC SUPPLY INC INVENTORY PURCHASES	P0095865	199748	07/13/2017	167.57
00188288	08/03/2017	COOK LEARN GROW LLC Summer Day Camp Instructor fee		1207FULLDAY	07/14/2017	3,822.00
00188289	08/03/2017	CORT PARTY RENTAL Summer Celebration Rentals	P0095978	MB1408CEIEBRATI O	07/08/2017	15,895.60
00188290	08/03/2017	CRYSTAL AND SIERRA SPRINGS 2017 ANNUAL PO FOR WATER DELIV	P94425	14555831071517	07/15/2017	231.03
00188291	08/03/2017	CUMMINS INC INV 1-57991 BOOSTER STAION	P0095940	00147897	03/24/2017	9,205.96
00188292	08/03/2017	DATAQUEST LLC Backgrounds	P0095934	2460	05/31/2017	60.00

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Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00188293	08/03/2017	DELL MARKETING L.P. Dell WD15 Dock	P0095730	10178081232	07/14/2017	4,188.81
00188294	08/03/2017	DENTZ, LISA Graphic layout and visual desi	P0095992	146	07/21/2017	50.00
00188295	08/03/2017	DEPARTMENT OF ECOLOGY training for Nicole, coastal	P0095490	2017RSWAR045528	05/18/2017	15,891.00
00188296	08/03/2017	DEPT OF L&I-ELEVATOR PROGRAM ELEVATOR OPERATING PERMITS	P0095819	213931	07/12/2017	483.00
00188297	08/03/2017	DUNBAR ARMORED JULY17 Armored Car Service	P0095958	4014135	07/01/2017	1,912.34
00188298	08/03/2017	EASTSIDE EXTERMINATORS PEST CONTROL CITY HALL	P0095953	348293	07/15/2017	230.01
00188299	08/03/2017	EFFICIENCY INC FTR Contract Renewal	P0095742	614617	05/28/2017	1,255.10
00188300	08/03/2017	EVERETT STEEL INC Materials for Hose Bed	P0095647	183463	07/13/2017	2,294.03
00188301	08/03/2017	FARALLON CONSULTING LLC TECHNICAL SERVICES FOR SOIL	P0095191	0026370	07/11/2017	7,167.00
00188302	08/03/2017	FIRE PROTECTION INC BLDG B SPEAKER REPAIR	P0095954	39541	07/05/2017	71.50
00188303	08/03/2017	GAMETIME Repair for playground equipmen	P0095983	PJI0054159	01/26/2017	195.94
00188304	08/03/2017	GOODYEAR TIRE & RUBBER CO, THE INV 195-113980	P0095931	1951139180	07/12/2017	1,144.86
00188305	08/03/2017	GRAINGER INVENTORY PURCHASES	P0095889	9503331978	07/18/2017	353.46
00188306	08/03/2017	GREEN EARTHWORKS CONST INC 2013-14 SWR CB /WET WELL	P0095175	#1	06/30/2017	127,367.21
00188307	08/03/2017	HARB, SAM MILEAGE EXPENSE		OH008580	07/28/2017	26.11
00188308	08/03/2017	HDR ENGINEERING INC BOOSTER CHLORINATION STATION	P89617	1200061295	07/07/2017	1,183.24
00188309	08/03/2017	HERMELEE, GALEN H Graphic visual design display	P0095993	OH008567	06/14/2017	180.00
00188310	08/03/2017	HERRERA ENVIRONMENTAL CONSULT NPDES Ph. 2 permit implementat	P94214	40663	07/12/2017	1,046.96
00188311	08/03/2017	HOOMAN, ELLIE FLEX SPEND REIMB		21JULY17	07/21/2017	217.39
00188312	08/03/2017	HORSCHMAN, BRENT FLEX SPEND REIMB		21JULY17	07/21/2017	192.31
00188313	08/03/2017	HUGHES FIRE EQUIPMENT INC 8610 Mirror	P0095922	515695	07/19/2017	4,230.41
00188314	08/03/2017	IBS INC INVENTORY PURCHASES	P0095866	6490191/6490161	07/13/2017	822.33
00188315	08/03/2017	INTERIOR FOLIAGE CO, THE INTERIOR LANDSCAPING CITY HALL	P0095955	37842	07/01/2017	272.58
00188316	08/03/2017	ISSAQUAH CITY JAIL Jail costs for June 2017	P0095927	0450008456	07/18/2017	2,910.00
00188317	08/03/2017	J A JACK & SONS INC INVENTORY PURCHASES	P0095857	JAJ12133/JAJ738	07/13/2017	138.82
00188318	08/03/2017	JAC MASONRY RESTORATION BRICK REPAIR EASTSIDE OF BLDG	P0095963	170	07/14/2017	880.00

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Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00188319	08/03/2017	KC RECORDER RECORDING OF 35 EASEMENTS AND	P0095990	OH008568	08/01/2017	2,950.00
00188320	08/03/2017	KING COUNTY FINANCE I-NET MONTHLY SERVICES FROM	P94044	11005966	06/30/2017	1,122.00
00188321	08/03/2017	KRAMP, ROBERT A FLEX SPEND REIMB		21JULY17	07/21/2017	454.45
00188322	08/03/2017	KRAZAN & ASSOCIATES INC INV 608973-5832 WMW ROADSIDE	P0095939	I6089735832	06/30/2017	1,105.00
00188323	08/03/2017	M & M BALLOON CO Helium tank rental & helium fo	P93826	31313	06/01/2017	23.65
00188324	08/03/2017	MAGNAN, JEFF FLEX SPEND REIMB		21JULY17	07/21/2017	647.64
00188325	08/03/2017	MANRIQUEZ, CHERYL R FLEX SPEND REIMB		21JULY17	07/21/2017	146.29
00188326	08/03/2017	MARILYN'S RECYCLE INC INV 95605 BRUSH LOAD HAUL OUT	P0095930	95605	06/09/2017	750.00
00188327	08/03/2017	MASTERMARK Name Tags (Nice & Kintner)	P0095989	2496055	07/27/2017	25.48
00188328	08/03/2017	MED-TOX NORTHWEST ASBESTOS SURVEY	P0095961	30181	07/21/2017	2,470.85
00188329	08/03/2017	MERCER ISLAND REPORTER 2 year subscription to paper	P0095937	OH008572	07/26/2017	59.00
00188330	08/03/2017	MEYMAND, DOLLY Instructor fee course #16802	P0095979	16802	07/31/2017	1,932.00
00188331	08/03/2017	MI CHAMBER OF COMMERCE MONTHLY BILLING FOR SERVICES	P93435	OH008571	07/24/2017	1,200.00
00188332	08/03/2017	MI EMPLOYEES ASSOC PAYROLL EARLY WARRANTS		4AUG17	08/04/2017	143.75
00188333	08/03/2017	MI ROTARY CLUB Dues/Chief Heitman	P0095973	2302	06/25/2017	660.00
00188334	08/03/2017	MI SCHOOL DISTRICT #400 2017 Operational support for M	P93880	OH008569	08/01/2017	10,913.50
00188335	08/03/2017	MOE, JIM ESRI CONF EXPENSES		OH008579	07/27/2017	2,099.73
00188336	08/03/2017	MULTICARE IMMEDIATE CLINIC CDL Physical Exam	P0095984	5484	07/10/2017	90.00
00188337	08/03/2017	NATIONAL BUSINESS SYSTEMS Keystroke Software Support	P0095869	81511	06/13/2017	544.50
00188338	08/03/2017	NC MACHINERY CO INV SECS064369 FL-0478 REPAIR	P0095994	SECS0643768/3639	07/20/2017	153.41
00188339	08/03/2017	NELSON, CASEY FLEX SPEND REIMB		21JULY17	07/21/2017	200.00
00188340	08/03/2017	NORTH LAKE MARINA- INV 1425 PATROL 11 REPAIRS	P0095932	1425	07/13/2017	692.45
00188341	08/03/2017	OLYMPIC ENVIRONMENTAL RES 2017 ANNUAL RECYCLING EVENTS	P93714	2017OER4	07/27/2017	1,190.00
00188342	08/03/2017	ON SITE FITNESS LLC Quarterly Routine Maintenance	P0095923	4081/4082	07/17/2017	500.50
00188343	08/03/2017	PACIFIC AIR CONTROL INC ANNEX SANYO HVAC UNIT REPAIR	P0095962	4673	07/10/2017	718.29
00188344	08/03/2017	PACIFIC MODULAR WALK OFF MAT INSTALL	P0095964	3700	06/15/2017	1,012.00

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Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00188345	08/03/2017	PARENTMAP Ad for ParentMap Adventures Su	P0095938	2017CI562	05/02/2017	2,500.00
00188346	08/03/2017	POT O' GOLD INC coffee supplies	P0095969	0112331/0114324/	07/12/2017	618.16
00188347	08/03/2017	PUGET SOUND SR SOFTBALL ASSOC Senior Softball tournament Fee	P0095936	OH008573	07/24/2017	150.00
00188348	08/03/2017	RAINIER BUILDING SERVICES FLOOR WAXING CITY BUILDINGS	P0095951	17377	07/24/2017	217.16
00188349	08/03/2017	REPUBLIC SERVICES #172 2017 ROW DISPOSAL/RECYCLING 45	P94317	7121147/7147909	05/31/2017	21,096.16
00188350	08/03/2017	RON'S STUMP REMOVAL & 6110 86th Ave SE TREE REMOVAL	P0095450	8513	07/11/2017	3,080.00
00188351	08/03/2017	SAIL SAND POINT Instructor Fees Course #16885	P0095942	16885	07/26/2017	1,739.40
00188352	08/03/2017	SEATTLE BOAT COMPANY MARINE FUEL INV 17867-51529 TO	P0095982	OH008570	07/31/2017	7,440.18
00188353	08/03/2017	SIERRA-PACIFIC SOFTWARE LLC Service Agreement for 2017	P0095949	1309	01/01/2017	279.00
00188354	08/03/2017	SMITH, LAURA Rental 23368 complete. Retaine	P0095987	23368	07/26/2017	350.00
00188355	08/03/2017	SOLOMON, MEARA FLEX SPEND REIMB		21JULY17	07/21/2017	192.31
00188356	08/03/2017	SOUND SAFETY PRODUCTS MISC. WORK CLOTHES	P0095902	642223	07/18/2017	207.75
00188357	08/03/2017	SPARROW, JEREMY GOLF DRIVER REIMBURSEMENT		OH008576	07/25/2017	56.00
00188358	08/03/2017	SPIETZ, ALLISON FLEX SPEND REIMB		21JULY17	07/21/2017	65.73
00188359	08/03/2017	STANFORD, CURTIS J FLEX SPEND REIMB		21JULY17	07/21/2017	1,000.00
00188360	08/03/2017	SUPERION TRAKIT USER LICENSES 8/1/17 -	P0095966	140948	06/30/2017	12,114.58
00188361	08/03/2017	T2 SYSTEMS CANADA INC Monthly charges for boat launc	P93828	INVSTD0000021629	07/16/2017	154.01
00188362	08/03/2017	TAWNEY, LAURA FLEX SPEND REIMB		21JULY17	07/21/2017	113.34
00188363	08/03/2017	TETRA TECH INC INV. 51199087 2017 PS 14 LAKE	P94257	51199087	07/13/2017	8,524.94
00188364	08/03/2017	TRANSACT TECHNOLOGIES INC Register receipt tape.	P0095863	1289498	07/17/2017	97.68
00188365	08/03/2017	TRU MECHANICAL INC ADMIN UNIT REPAN	P0095952	5175	07/20/2017	442.20
00188366	08/03/2017	TUSCAN ENTERPRISES INC Lettering for New Aid 91	P0095916	556958	07/18/2017	2,183.50
00188367	08/03/2017	UNITED SITE SERVICES Volunteer Event Portable Restr	P93945	1145544032	07/17/2017	110.76
00188368	08/03/2017	UNITED WAY OF KING CO PAYROLL EARLY WARRANTS		4AUG17	08/04/2017	120.00
00188369	08/03/2017	VAN GORP, ALISON FLEX SPEND REIMB		21JULY17	07/21/2017	192.31
00188370	08/03/2017	WA ST FIREFIGHTERS TRAINING & High Piled Combustible	P0095880	7953	07/14/2017	75.00

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00188371	08/03/2017	WA ST TREASURER'S OFFICE Remit June 2017 Court Transmit	P0095959	OH008575	06/30/2017	25,974.34
00188372	08/03/2017	WESTHILL ELECTRONICS Remove A93 Equip/Install New A	P0095917	2496/2498	07/17/2017	4,341.91
00188373	08/03/2017	YOUTH TECH INC Instructor fee course #16756	P0095980	16756/16755	07/31/2017	2,205.00
					Total	<u>392,344.76</u>

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00001008	07/25/2017	DEPARTMENT OF REVENUE BUSINESS LICENSE RENEWAL		000028	06/30/2017	491.00
Total						<u>491.00</u>

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: 001000 - General Fund-Admin Key</i>				
P0095959	00188371	WA ST TREASURER'S OFFICE	Remit June 2017 Court Transmit	22,275.91
P0095960	00188371	WA ST TREASURER'S OFFICE	Remit June 2017 Court Transmit	2,982.93
P0095959	00188371	WA ST TREASURER'S OFFICE	Remit June 2017 Court Transmit	715.50
P0095987	00188354	SMITH, LAURA	Rental 23368 complete. Retaine	350.00
<i>Org Key: 402000 - Water Fund-Admin Key</i>				
P0095866	00188314	IBS INC	INVENTORY PURCHASES	347.82
P0095856	00188305	GRAINGER	INVENTORY PURCHASES	210.93
P0095865	00188287	COMMERCIAL LANDSC SUPPLY INC	INVENTORY PURCHASES	167.57
P0095857	00188317	J A JACK & SONS INC	INVENTORY PURCHASES	138.82
P0095889	00188305	GRAINGER	INVENTORY PURCHASES	142.53
<i>Org Key: 814072 - United Way</i>				
	00188368	UNITED WAY OF KING CO	PAYROLL EARLY WARRANTS	120.00
<i>Org Key: 814074 - Garnishments</i>				
	00188282	CHAPTER 13 TRUSTEE	PAYROLL EARLY WARRANTS	1,331.00
<i>Org Key: 814075 - Mercer Island Emp Association</i>				
	00188332	MI EMPLOYEES ASSOC	PAYROLL EARLY WARRANTS	143.75
<i>Org Key: CM1200 - City Clerk</i>				
P0095864	00188285	CODE PUBLISHING CO	MICC E-Update Through 17-18	636.35
<i>Org Key: CO6100 - City Council</i>				
P0095989	00188327	MASTERMARK	Name Tags (Nice & Kintner)	25.48
<i>Org Key: DS1100 - Administration (DS)</i>				
P0095973	00188333	MI ROTARY CLUB	Rotary dues for Scott	330.00
P0095901	00188356	SOUND SAFETY PRODUCTS	MISC. WORK CLOTHES	79.18
P0095970	00188272	ARC DOCUMENT SOLUTIONS	print/scan charges	53.45
<i>Org Key: DS1300 - Land Use Planning Svc</i>				
P0095972	00188295	DEPARTMENT OF ECOLOGY	training for Nicole, coastal	125.00
<i>Org Key: DS1400 - Development Engineering</i>				
P94214	00188310	HERRERA ENVIRONMENTAL CONSULT	NPDES Ph. 2 permit implementat	1,046.96
<i>Org Key: FN2100 - Data Processing</i>				
P0095966	00188360	SUPERION	ONESOLUTION MAINT 8/1/17-10/31	10,097.89
P0095965	00188360	SUPERION	TRAKIT USER LICENSES 8/1/17 -	2,016.69
<i>Org Key: FNBE01 - Financial Services</i>				
P93435	00188331	MI CHAMBER OF COMMERCE	MONTHLY BILLING FOR SERVICES	1,200.00
<i>Org Key: FR1100 - Administration (FR)</i>				
P0095923	00188342	ON SITE FITNESS LLC	Quarterly Routine Maintenance	500.50
P0096002	00188333	MI ROTARY CLUB	Dues/Chief Heitman	330.00
<i>Org Key: FR2100 - Fire Operations</i>				
P0095922	00188313	HUGHES FIRE EQUIPMENT INC	8610 Mirror	4,230.41
<i>Org Key: FR5100 - Community Risk Reduction</i>				
P0095880	00188370	WA ST FIREFIGHTERS TRAINING &	High Piled Combustible	75.00

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: GGM001 - General Government-Misc</i>				
P0095742	00188299	EFFICIENCY INC	FTR Contract Renewal	1,255.10
P0095958	00188297	DUNBAR ARMORED	JULY17 Armored Car Service	545.07
P0095969	00188346	POT O' GOLD INC	coffee supplies	462.68
P0095969	00188346	POT O' GOLD INC	coffee supplies	71.65
P0095969	00188346	POT O' GOLD INC	coffee supplies	35.13
P0095969	00188346	POT O' GOLD INC	water cooler	27.50
P0095969	00188346	POT O' GOLD INC	coffee supplies	21.20
<i>Org Key: IGBE01 - MI Pool Operation Subsidy</i>				
P93880	00188334	MI SCHOOL DISTRICT #400	2017 Operational support for M	10,913.50
<i>Org Key: IS2100 - IGS Network Administration</i>				
	00188335	MOE, JIM	ESRI CONF EXPENSES	2,099.73
P94044	00188320	KING COUNTY FINANCE	I-NET MONTHLY SERVICES FROM	1,122.00
	00188271	ANDERSON, RODNEY M	GIS CONF EXPENSES	818.40
P0095957	00188267	ACCESS	DATA ENTRY, BLACK BOX DELIVERY	405.75
	00188271	ANDERSON, RODNEY M	PER DIEM REIMB	319.55
<i>Org Key: MT2100 - Roadway Maintenance</i>				
P0095866	00188314	IBS INC	MISC. HARDWARE (WAREHOUSE)	22.98
<i>Org Key: MT2200 - Vegetation Maintenance</i>				
P0095866	00188314	IBS INC	MISC. HARDWARE (WAREHOUSE)	22.98
<i>Org Key: MT2255 - Urban Forest Management (ROW)</i>				
P0095450	00188350	RON'S STUMP REMOVAL &	6110 86th Ave SE TREE REMOVAL	3,080.00
<i>Org Key: MT2300 - Planter Bed Maintenance</i>				
P0095866	00188314	IBS INC	MISC. HARDWARE (WAREHOUSE)	19.69
<i>Org Key: MT2500 - ROW Administration</i>				
P94317	00188349	REPUBLIC SERVICES #172	2017 ROW DISPOSAL/RECYCLING 45	8,158.21
P94277	00188349	REPUBLIC SERVICES #172	ACCT 172-883826 2017 ANNUAL SW	2,966.81
P0095930	00188326	MARILYN'S RECYCLE INC	INV 95605 BRUSH LOAD HAUL OUT	750.00
<i>Org Key: MT3100 - Water Distribution</i>				
P0095866	00188314	IBS INC	MISC. HARDWARE (WAREHOUSE)	22.98
<i>Org Key: MT3150 - Water Quality Event</i>				
P0095991	00188270	AM TEST INC	INV 99762 WATER QUALITY SAMPLE	240.00
<i>Org Key: MT3200 - Water Pumps</i>				
P0095995	00188280	CEDAR FALLS TREE SERVICE LLC	INV. 1296 2 FIR AND COTTONWOO	2,496.60
P0095967	00188291	CUMMINS INC	INV 1-57991 BOOSTER STAION	464.15
P0095967	00188291	CUMMINS INC	INV 1-57340 BOOSTER STATION RE	383.60
	00188281	CENTURYLINK	PHONE USE JULY 2017	59.69
P0095866	00188314	IBS INC	MISC. HARDWARE (WAREHOUSE)	19.69
<i>Org Key: MT3300 - Water Associated Costs</i>				
P94317	00188349	REPUBLIC SERVICES #172	2017 WATER DISPOSAL/RECYCLING	906.47
<i>Org Key: MT3400 - Sewer Collection</i>				
P0095997	00188306	GREEN EARTHWORKS CONST INC	2013-14 SWR CB /WET WELL	6,372.05

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
P0095866	00188314	IBS INC	MISC. HARDWARE (WAREHOUSE)	22.98
<i>Org Key: MT3500 - Sewer Pumps</i>				
P0095946	00188291	CUMMINS INC	INV #	6,173.68
P0095866	00188314	IBS INC	MISC. HARDWARE (WAREHOUSE)	22.98
<i>Org Key: MT3600 - Sewer Associated Costs</i>				
P94317	00188349	REPUBLIC SERVICES #172	2017 SEWER DISPOSAL/RECYCLING	906.47
P0095902	00188356	SOUND SAFETY PRODUCTS	MISC. WORK CLOTHES	128.57
<i>Org Key: MT3800 - Storm Drainage</i>				
P0095947	00188276	BEST PARKING LOT CLEANING INC	INV 157998 2017 ON CALL STORMW	2,581.15
P0095947	00188276	BEST PARKING LOT CLEANING INC	INV 158526 2017 ON CALL STORMW	2,400.65
P0095947	00188276	BEST PARKING LOT CLEANING INC	INV 158525 2017 ON CALL	1,729.95
P0095947	00188276	BEST PARKING LOT CLEANING INC	INV 158661 2017 ON CALL STORMW	1,111.50
P0095947	00188276	BEST PARKING LOT CLEANING INC	INV 158133 2017 ON CALL STORMW	1,054.50
P0095947	00188276	BEST PARKING LOT CLEANING INC	INV 158533 2017 ON CALL STORMW	1,045.00
P0095947	00188276	BEST PARKING LOT CLEANING INC	INV 158821 2017 ON CALL STORMW	1,045.00
P0095947	00188276	BEST PARKING LOT CLEANING INC	INV 158833 2017 ON CALL STORMW	1,011.75
P0095947	00188276	BEST PARKING LOT CLEANING INC	INV 158834 2017 ON CALL STORMW	878.75
P0095947	00188276	BEST PARKING LOT CLEANING INC	INV 158607 2017 ON CALL STORMW	779.00
P0095947	00188276	BEST PARKING LOT CLEANING INC	INV 158606 2017 ON CALL STORMW	446.50
P0095947	00188276	BEST PARKING LOT CLEANING INC	INV 157953 2017 ON CALL STORMW	313.50
P0095866	00188314	IBS INC	MISC. HARDWARE (WAREHOUSE)	22.98
<i>Org Key: MT4150 - Support Services - Clearing</i>				
P93757	00188286	COMCAST	2017 ANNUAL PW WI-FI SERVICE	95.90
P94425	00188290	CRYSTAL AND SIERRA SPRINGS	2017 ANNUAL PO FOR WATER DELIV	78.21
<i>Org Key: MT4200 - Building Services</i>				
P0095955	00188315	INTERIOR FOLIAGE CO, THE	INTERIOR LANDSCAPING CITY HALL	272.58
P0095953	00188298	EASTSIDE EXTERMINATORS	PEST CONTROL CITY HALL	230.01
P0095951	00188348	RAINIER BUILDING SERVICES	FLOOR WAXING CITY BUILDINGS	217.16
P0095819	00188296	DEPT OF L&I-ELEVATOR PROGRAM	ELEVATOR OPERATING PERMITS	193.00
P0095866	00188314	IBS INC	MISC. HARDWARE (WAREHOUSE)	19.69
<i>Org Key: MT4210 - Building Landscaping</i>				
P94317	00188349	REPUBLIC SERVICES #172	2017 FACILITIES DISPOSAL/RECYC	906.46
<i>Org Key: MT4300 - Fleet Services</i>				
P0095982	00188352	SEATTLE BOAT COMPANY	MARINE FUEL INV 17867-51529 TO	7,440.18
P0095931	00188304	GOODYEAR TIRE & RUBBER CO, THE	INV 195-113980	1,144.86
P0095918	00188275	AUTO SPA	CAR WASH COUPONS \$10.90	1,090.00
P0095932	00188340	NORTH LAKE MARINA-	INV 1425 PATROL 11 REPAIRS	692.45
P0095994	00188338	NC MACHINERY CO	INV SECS064369 FL-0478 REPAIR	141.13
P0095866	00188314	IBS INC	MISC. HARDWARE (VEHICLE MAINT.	146.31
P0095866	00188314	IBS INC	MISC. HARDWARE (WAREHOUSE)	19.69
P0095994	00188338	NC MACHINERY CO	INV SECS0643768 REPAIR PARTS	12.28
<i>Org Key: MT4403 - Customer Response - Water</i>				
	00188307	HARB, SAM	MILEAGE EXPENSE	26.11
<i>Org Key: MT4420 - Transportation Planner Eng</i>				

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
P0095753	00188279	CDW GOVERNMENT INC	Adobe Acrobat DC Pro	83.44
<i>Org Key: MT4503 - Storm Water Administration</i>				
P0095490	00188295	DEPARTMENT OF ECOLOGY	2017-RS-WAR045528 2017 REGIONA	15,766.00
<i>Org Key: MT4900 - Solid Waste</i>				
P93714	00188341	OLYMPIC ENVIRONMENTAL RES	2017 ANNUAL RECYCLING EVENTS	1,190.00
<i>Org Key: PO1350 - Police Emergency Management</i>				
P0095934	00188292	DATAQUEST LLC	Backgrounds	60.00
<i>Org Key: PO1900 - Jail/Home Monitoring</i>				
P0095927	00188316	ISSAQUAH CITY JAIL	Jail costs for June 2017	2,910.00
<i>Org Key: PO4300 - Police Training</i>				
P0095949	00188353	SIERRA-PACIFIC SOFTWARE LLC	Service Agreement for 2017	279.00
<i>Org Key: PR1100 - Administration (PR)</i>				
P93828	00188361	T2 SYSTEMS CANADA INC	Monthly charges for boat launc	77.01
P93828	00188361	T2 SYSTEMS CANADA INC	Monthly charges for boat launc	77.00
P0095937	00188329	MERCER ISLAND REPORTER	2 year subscription to paper	59.00
<i>Org Key: PR2101 - Youth and Teen Camps</i>				
	00188288	COOK LEARN GROW LLC	Summer Day Camp Instructor fee	3,822.00
P0095943	00188269	ALERNA GOLF & TENNIS/ SEATTLE	Golf Camp instructor fees	2,683.10
P0095941	00188283	CHRISTIANSEN, ANNE	Instructor Fees course #16847	2,187.36
P0095985	00188283	CHRISTIANSEN, ANNE	Instructor fees Course #16846	1,764.00
P0095980	00188373	YOUTH TECH INC	Instructor fee course #16755	1,225.00
P0095986	00188278	CASCADE ELITE GYMNASTICS	Instructor fees Course #16943	1,185.80
P0095979	00188330	MEYMAND, DOLLY	Instructor fee course #16802	1,008.00
P0095980	00188373	YOUTH TECH INC	Instructor fee course #16756	980.00
P0095979	00188330	MEYMAND, DOLLY	Instructor fee course #16803	924.00
P0095986	00188278	CASCADE ELITE GYMNASTICS	Instructor fees Course #16942	588.00
<i>Org Key: PR2103 - Aquatics Programs</i>				
P0095942	00188351	SAIL SAND POINT	Instructor Fees Course #16885	1,739.40
<i>Org Key: PR2108 - Health and Fitness</i>				
P0095936	00188347	PUGET SOUND SR SOFTBALL ASSOC	Senior Softball tournament Fee	150.00
	00188357	SPARROW, JEREMY	GOLF DRIVER REIMBURSEMENT	56.00
<i>Org Key: PR3500 - Senior Services</i>				
P93826	00188323	M & M BALLOON CO	Helium tank rental & helium fo	23.65
<i>Org Key: PR4100 - Community Center</i>				
P0095938	00188345	PARENTMAP	Ad for ParentMap Adventures Su	2,500.00
P0095962	00188343	PACIFIC AIR CONTROL INC	ANNEX SANYO HVAC UNIT REPAIR	718.29
P0095958	00188297	DUNBAR ARMORED	JULY17 Armored Car Service	545.07
P0095952	00188365	TRU MECHANICAL INC	ADMIN UNIT REPAN	442.20
P0095820	00188296	DEPT OF L&I-ELEVATOR PROGRAM	ELEVATOR OPERATING PERMIT	129.00
P0095863	00188364	TRANSACT TECHNOLOGIES INC	Register receipt tape.	97.68
P0095954	00188302	FIRE PROTECTION INC	BLDG B SPEAKER REPAIR	71.50
<i>Org Key: PR5900 - Summer Celebration</i>				
P0095978	00188289	CORT PARTY RENTAL	Summer Celebration Rentals	15,895.60

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: PR6100 - Park Maintenance</i>				
P94425	00188290	CRYSTAL AND SIERRA SPRINGS	2017 ANNUAL PO FOR WATER DELIV	152.82
P0095984	00188336	MULTICARE IMMEDIATE CLINIC	CDL Physical Exam	90.00
P0095866	00188314	IBS INC	MISC. HARDWARE (WAREHOUSE)	22.98
<i>Org Key: PR6200 - Athletic Field Maintenance</i>				
P0095866	00188314	IBS INC	MISC. HARDWARE (WAREHOUSE)	22.98
<i>Org Key: PR6500 - Luther Burbank Park Maint.</i>				
P93815	00188284	CINTAS CORPORATION #460	2017 Rug cleaning services for	123.00
P0095866	00188314	IBS INC	MISC. HARDWARE (WAREHOUSE)	22.98
<i>Org Key: PR6600 - Park Maint-School Related</i>				
P0095866	00188314	IBS INC	MISC. HARDWARE (WAREHOUSE)	19.64
<i>Org Key: PR6700 - I90 Park Maintenance</i>				
P94317	00188349	REPUBLIC SERVICES #172	2017 PARKS DISPOSAL/RECYCLING	7,251.74
P0095866	00188314	IBS INC	MISC. HARDWARE (WAREHOUSE)	22.98
<i>Org Key: PRAT40 - Ongoing Art Programs</i>				
P0095981	00188273	ARTSITELTD LLC	Upkeep for Fire Flower Sculptu	1,298.08
<i>Org Key: PY4616 - Flex Admin 2016</i>				
	00188321	KRAMP, ROBERT A	FLEX SPEND REIMB	454.45
<i>Org Key: PY4617 - Flex Spending Admin 2017</i>				
	00188359	STANFORD, CURTIS J	FLEX SPEND REIMB	1,000.00
	00188324	MAGNAN, JEFF	FLEX SPEND REIMB	647.64
	00188311	HOOMAN, ELLIE	FLEX SPEND REIMB	217.39
	00188339	NELSON, CASEY	FLEX SPEND REIMB	200.00
	00188312	HORSCHMAN, BRENT	FLEX SPEND REIMB	192.31
	00188355	SOLOMON, MEARA	FLEX SPEND REIMB	192.31
	00188369	VAN GORP, ALISON	FLEX SPEND REIMB	192.31
	00188325	MANRIQUEZ, CHERYL R	FLEX SPEND REIMB	146.29
	00188362	TAWNEY, LAURA	FLEX SPEND REIMB	113.34
	00188358	SPIETZ, ALLISON	FLEX SPEND REIMB	65.73
<i>Org Key: VCP104 - CIP Streets Salaries</i>				
P0095753	00188279	CDW GOVERNMENT INC	Adobe Acrobat DC Pro	83.44
<i>Org Key: VCP402 - CIP Water Salaries</i>				
P0095753	00188279	CDW GOVERNMENT INC	Adobe Acrobat DC Pro	83.44
<i>Org Key: VCP426 - CIP Sewer Salaries</i>				
P0095753	00188279	CDW GOVERNMENT INC	Adobe Acrobat DC Pro	83.44
<i>Org Key: VCP432 - CIP Storm Drainage Salaries</i>				
P0095753	00188279	CDW GOVERNMENT INC	Adobe Acrobat DC Pro	83.44
<i>Org Key: WD531C - Sub Basin 27a</i>				
P0095175	00188306	GREEN EARTHWORKS CONST INC	SUB BASIN 27A.9 SEWER AND DRAI	39,686.41
P0095929	00188277	BUILDERS EXCHANGE OF WA	SUB BASIN 27A.9 SEWER AND DRAI	45.00
<i>Org Key: WG102R - Maintenance Building Repairs</i>				

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
P0095961	00188328	MED-TOX NORTHWEST	ASBESTOS SURVEY	2,470.85
P0095964	00188344	PACIFIC MODULAR	WALK OFF MAT INSTALL	522.50
<i>Org Key: WG104R - Thrift Shop Repairs</i>				
P0095964	00188344	PACIFIC MODULAR	FLOOR REPAIR UPSTAIRS	489.50
<i>Org Key: WG107R - Luther Burbank Admin Bldg Rep</i>				
P0095963	00188318	JAC MASONRY RESTORATION	BRICK REPAIR EASTSIDE OF BLDG	880.00
<i>Org Key: WG110T - Computer Equip Replacements</i>				
P0095730	00188293	DELL MARKETING L.P.	Dell R530 Server	4,006.23
P0095784	00188274	ASTRAL COMMUNICATIONS INC	Modem Antenna	240.90
P0095767	00188293	DELL MARKETING L.P.	Dell WD15 Dock	182.58
<i>Org Key: WG130E - Equipment Rental Vehicle Repl</i>				
P0095917	00188372	WESTHILL ELECTRONICS	Remove Equip from 2012 Truck t	3,227.66
P0095916	00188366	TUSCAN ENTERPRISES INC	Lettering for New Aid 91	2,183.50
P0095917	00188372	WESTHILL ELECTRONICS	Remove A93 Equip/Install New A	1,114.25
<i>Org Key: WG131E - Fire Equipment</i>				
P0095647	00188300	EVERETT STEEL INC	Materials for Hose Bed	2,294.03
<i>Org Key: WG550R - Fuel Clean Up</i>				
P0095191	00188301	FARALLON CONSULTING LLC	TECHNICAL SERVICES FOR SOIL	7,167.00
<i>Org Key: WP122R - Vegetation Management</i>				
P93945	00188367	UNITED SITE SERVICES	Volunteer Event Portable Restr	110.76
<i>Org Key: WP720R - Recurring Park Projects</i>				
P0095983	00188303	GAMETIME	Repair for playground equipmen	195.94
<i>Org Key: WR101R - Residential Street Improvement</i>				
P0095929	00188277	BUILDERS EXCHANGE OF WA	2017 ARTERIAL AND RESIDENTIAL	0.15
<i>Org Key: WS512R - Sewer Repair at Sub-Basin 27</i>				
P0095175	00188306	GREEN EARTHWORKS CONST INC	SUB BASIN 27A.9 SEWER AND DRAI	81,308.75
<i>Org Key: WS901D - Sewer Sys Pump Sta Repairs</i>				
P0095940	00188291	CUMMINS INC	INV 1-47897	2,184.53
<i>Org Key: WS902D - PS 14 Lake Line Cleaning</i>				
P94257	00188363	TETRA TECH INC	INV. 51199087 2017 PS 14 LAKE	8,524.94
<i>Org Key: WS905C - Sewer Basin 40 Inflow and Inf</i>				
P94157	00188268	ADS LLC	2017 SEWER BASIN 40 INFILTRATI	28,270.00
<i>Org Key: WW523R - EMW 5400-6000 Block Watermain</i>				
P0095990	00188319	KC RECORDER	RECORDING OF 35 EASEMENTS AND	2,950.00
<i>Org Key: WW535D - Booster Chlorination Station</i>				
P89617	00188308	HDR ENGINEERING INC	BOOSTER CHLORINATION STATION	1,183.24
<i>Org Key: XR320R - Safe Routes to School</i>				
P0095929	00188277	BUILDERS EXCHANGE OF WA	NORTHWOOD ELEMENTARY SAFE	65.75
<i>Org Key: XR543C - WMW Shoulders (7400-8000 Blk)</i>				

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
P0095939	00188322	KRAZAN & ASSOCIATES INC	INV 608973-5832 WMW ROADSIDE	1,105.00
<i>Org Key: YF1100 - YFS General Services</i>				
P0095958	00188297	DUNBAR ARMORED	JULY17 Armored Car Service	271.56
<i>Org Key: YF1200 - Thrift Shop</i>				
P0095958	00188297	DUNBAR ARMORED	JULY17 Armored Car Service	550.64
P0095869	00188337	NATIONAL BUSINESS SYSTEMS	Keystroke Software Support	544.50
P0095993	00188309	HERMELEE, GALEN H	Graphic visual design display	180.00
P0095819	00188296	DEPT OF L&I-ELEVATOR PROGRAM	ELEVATOR OPERATING PERMITS	161.00
<i>Org Key: YF2800 - Fed Drug Free Communities Gran</i>				
P0095992	00188294	DENTZ, LISA	Graphic layout and visual desi	50.00
Total				392,344.76

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: MT4300 - Fleet Services</i>				
	00001008	DEPARTMENT OF REVENUE	BUSINESS LICENSE RENEWAL	491.00
				<hr/>
Total				<u>491.00</u>

CERTIFICATION OF CLAIMS

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Mercer Island, and that I am authorized to authenticate and certify to said claim.

Charles L. Corder

Finance Director

I, the undersigned, do hereby certify that the City Council has reviewed the documentation supporting claims paid and approved all checks or warrants issued in payment of claims.

Mayor

Date

<u>Report</u>	<u>Warrants</u>	<u>Date</u>	<u>Amount</u>
Check Register	188794-188867	9/07/2017	\$ 531,223.43
			\$ 531,223.43

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00188794	09/07/2017	AIRGAS USA LLC Oxygen/Fire	P0096257	9066809239	08/18/2017	202.73
00188795	09/07/2017	AM TEST INC INV 100206 STORMWATER TESTING	P0096249	100206	08/17/2017	340.00
00188796	09/07/2017	APPLE, MICHAEL OVERPAYMENT REFUND		OH008701	08/28/2017	19.96
00188797	09/07/2017	APPLIED ECOLOGY LLC 5% Retainage	P87160	OH008690	09/06/2017	2,015.65
00188798	09/07/2017	ASTRAL COMMUNICATIONS INC Modem for Patrol Vehicle	P0096245	171160	08/23/2017	1,202.30
00188799	09/07/2017	BRAILEY CONSULTING Public Engagement - Financial	P0096322	OH008691	09/01/2017	3,000.00
00188800	09/07/2017	BSN SPORT INC TENNIS NETS	P0096283	900264888	08/11/2017	334.60
00188801	09/07/2017	BUILDERS HARDWARE & SUPPLY CO. SECURITY LOCK FOR CUSTOMER SER	P0096230	S3557262002	08/04/2017	937.00
00188802	09/07/2017	CDW GOVERNMENT INC Police Records Printer	P0096251	JXR2953	08/26/2017	2,874.32
00188803	09/07/2017	CENTURYLINK PHONE USE AUGUST 2017		OH008708	08/20/2017	3,461.31
00188804	09/07/2017	CESSCO STIHL KM130R TRIMMER S/N 50798	P0096296	7327/7265	08/14/2017	756.67
00188805	09/07/2017	CHAPTER 13 TRUSTEE PAYROLL EARLY WARRANTS		1SEPT2017	09/01/2017	1,331.00
00188806	09/07/2017	COMPLETE OFFICE REPLACE WARRANT 188170		OH008699	08/29/2017	2,575.38
00188807	09/07/2017	COMPTON LUMBER & HARDWARE INC CEDAR LUMBER	P0096299	818188/454/399	08/14/2017	1,148.03
00188808	09/07/2017	CONSOLIDATED PRESS Fall/Winter Recreation Guide	P0096316	19461	08/18/2017	3,874.34
00188809	09/07/2017	DALY, RYAN FLEX SPEND REIMB		1SEPT17	09/01/2017	500.00
00188810	09/07/2017	DEPT OF ENTERPRISES SERVICES Envelops	P0096321	73166107	08/25/2017	153.87
00188811	09/07/2017	ECONOMY FENCE CENTER REPAIRED 4' HIGH CHAIN LINK FE	P0096285	0029081IN	08/09/2017	949.30
00188812	09/07/2017	ELLEFSEN, EILEEN & FRANKLIN OVERPAYMENT REFUND		OH008704	09/05/2017	401.96
00188813	09/07/2017	EPIC EVENTS & PROMOTION INC Outdoor cinema services	P0096309	1242	07/06/2017	2,409.00
00188814	09/07/2017	EPSCA MONTHLY RADIO ACCESS FEES 44 R	P0096306	9028	08/01/2017	2,903.75
00188815	09/07/2017	FERGUSON ENTERPRISES INC INVENTORY PURCHASES	P0096281	0564538/0564537	08/15/2017	2,645.16
00188816	09/07/2017	GEMPLER'S INC INVENTORY PURCHASES	P0096298	SI03651739/69529	08/09/2017	245.08
00188817	09/07/2017	GRAINGER LARGE HOSE CLAMPS	P0096280	9532404721	08/18/2017	177.41
00188818	09/07/2017	H D FOWLER 1-1/4" SLIP COUPLINGS	P0096294	I4607980	08/22/2017	584.89
00188819	09/07/2017	HARRIS COMPUTER SYSTEMS 2017 Regional Conference	P0096335	CT035084	08/31/2017	55.00

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00188820	09/07/2017	HEITMAN, STEVE FLEX SPEND REIMB		1SEPT17	09/01/2017	72.87
00188821	09/07/2017	HOOMAN, ELLIE FLEX SPEND REIMB		1SEPT17	09/01/2017	217.39
00188822	09/07/2017	HORSCHMAN, BRENT FLEX SPEND REIMB		1SEPT17	09/01/2017	192.31
00188823	09/07/2017	INTERCOM LANGUAGE SERVICES INC interpreting Services #17-289	P0096320	17289	09/01/2017	120.00
00188824	09/07/2017	KC HOUSING AUTHORITY Rental assistance for EA clien	P93574	OH008692	08/30/2017	154.00
00188825	09/07/2017	KCDA PURCHASING COOPERATIVE Trash cans for Mercerdale park	P0095299	300187752	08/15/2017	4,794.81
00188826	09/07/2017	KROESENS UNIFORM COMPANY Uniform Pants/Petersen	P0096258	46320	08/23/2017	135.19
00188827	09/07/2017	LARSON, CORRINE H OVERPAYMENT REFUND		OH008702	08/28/2017	379.73
00188828	09/07/2017	LIFE ASSIST INC Aid/Rig Supplies	P0096292	812817/813845/46	08/17/2017	1,021.20
00188829	09/07/2017	LITHO CRAFT Layout, design and production	P0096293	22720521	08/08/2017	4,636.80
00188830	09/07/2017	LLOYD ENTERPRISES INC PLAYFIELD SAND (95.91 TONS)	P0096282	3301842/816/987/	07/31/2017	3,722.78
00188831	09/07/2017	LUND, MARK FLEX SPEND REIMB		1SEPT17	09/01/2017	1,182.18
00188832	09/07/2017	MAGNAS LLC MONTHLY LONG DISTANCE JAN-DEC	P93438	OH008693	08/31/2017	250.37
00188833	09/07/2017	MANDEVILLE, TROY FLEX SPEND REIMB		1SEPT17	09/01/2017	1,680.00
00188834	09/07/2017	MEEK, JOHN OVERPAYMENT REFUND		OH008705	09/05/2017	452.95
00188835	09/07/2017	METRON-FARNIER LLC INVENTORY PURCHASES	P0096295	24824	08/23/2017	6,452.08
00188836	09/07/2017	MI CHAMBER OF COMMERCE MONTHLY BILLING FOR SERVICES	P93435	OH008696	08/24/2017	1,200.00
00188837	09/07/2017	MI EMPLOYEES ASSOC PAYROLL EARLY WARRANTS		1SEPT2017	09/01/2017	142.50
00188838	09/07/2017	MI FARMERS MARKET FARMERS MARKET BOOTH FEE		OH008707	09/06/2017	25.00
00188839	09/07/2017	MI SCHOOL DISTRICT #400 2017 Operational support for M	P93880	OH008694	09/01/2017	10,913.50
00188840	09/07/2017	MUTUAL MATERIALS CO PAVERS, MORTAR & BRICKS	P0096300	1738491	08/17/2017	1,151.83
00188841	09/07/2017	NELSON, CASEY FLEX SPEND REIMB		1SEPT17	09/01/2017	200.00
00188842	09/07/2017	OLYMPIC CASCADE AQUATICS Swim day camp June/July/August	P0096275	17902	08/22/2017	280.00
00188843	09/07/2017	OMWBE FINANCIAL OFFICE Annual Fee	P0096303	30312775	08/25/2017	150.00
00188844	09/07/2017	OVERLAKE OIL INV 184868 2017 UNLEADED	P93482	0184868	08/25/2017	5,920.00
00188845	09/07/2017	PND ENGINEERS INC Lincoln Landing Design Enginee	P0095391	17080188RI	08/21/2017	9,287.25

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00188846	09/07/2017	PUGET SOUND ENERGY ENERGY USE AUGUST 2017		OH008710	08/23/2017	23,147.19
00188847	09/07/2017	ROBERTSON, MARGARET & PAUL OVERPAYMENT REFUND		OH008703	09/01/2017	306.93
00188848	09/07/2017	SCHUMACHER, CHAD C FLEX SPEND REIMB		1SEPT17	09/01/2017	755.05
00188849	09/07/2017	SEATTLE TIMES, THE JOB POSTING	P0096323	745881	07/31/2017	250.00
00188850	09/07/2017	SEATTLE, CITY OF Aug 2017 Water Purchases	P0096311	OH008697	08/25/2017	393,016.12
00188851	09/07/2017	SOLOMON, MEARA FLEX SPEND REIMB		1SEPT17	09/01/2017	192.31
00188852	09/07/2017	SOUND SAFETY PRODUCTS SAFETY BOOTS & MISC. WORK CLOT	P0096286	258605/25/15	08/21/2017	689.19
00188853	09/07/2017	SWANK MOTION PICTURES INC Outdoor movie usage fee	P0096307	RG1415673	08/09/2017	498.31
00188854	09/07/2017	T2 SYSTEMS CANADA INC Monthly charges for boat launc	P93828	INVSTD0000023034	08/23/2017	77.00
00188855	09/07/2017	THOMAS-SCHADT, MERRILL LINCOLN LANDING MEETING REFRES		OH008700	08/30/2017	29.71
00188856	09/07/2017	TRAFFIC SAFETY SUPPLY INVENTORY PURCHASES	P0096287	131699	08/18/2017	875.26
00188857	09/07/2017	ULTRABLOCK INC BLOCKS FOR SLIDE REPAIR AT 841	P0096297	0042709IN	08/18/2017	5,592.40
00188858	09/07/2017	UNITED WAY OF KING CO PAYROLL EARLY WARRANTS		1SEPT2017	09/01/2017	120.00
00188859	09/07/2017	USABlueBook INVENTORY PURCHASES	P0096290	336505	08/09/2017	235.57
00188860	09/07/2017	VAN GORP, ALISON FLEX SPEND REIMB		1SEPT17	09/01/2017	192.31
00188861	09/07/2017	VERITIV OPERATING COMPANY INVENTORY PURCHASES	P0096291	65522281163	06/18/2017	1,113.32
00188862	09/07/2017	VERIZON WIRELESS CELL PHONE - JULIE UNDERWOOD -	P0096324	9789769009	07/23/2017	113.36
00188863	09/07/2017	VFW POST #5760 Arts Council Dance deposit for	P0096308	OH008698	08/31/2017	400.00
00188864	09/07/2017	WACE WACE Conference & Membership f	P0096360	OH008709	09/07/2017	240.00
00188865	09/07/2017	WAPRO A Spietz WAPRO Fall Conference	P0096265	2815	08/21/2017	175.00
00188866	09/07/2017	WASHINGTON2 ADVOCATES LLC August 2017 I-90 Loss of Mobil	P0096305	5920	08/31/2017	2,500.00
00188867	09/07/2017	WESTERN EQUIPMENT DISTRIBUTORS PARKS FL-0421 REPLACEMENT	P0095646	802660300	08/18/2017	10,870.95
					Total	531,223.43

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: 402000 - Water Fund-Admin Key</i>				
P0096295	00188835	METRON-FARNIER LLC	INVENTORY PURCHASES	6,452.08
P0096291	00188861	VERITIV OPERATING COMPANY	INVENTORY PURCHASES	1,113.32
P0096302	00188815	FERGUSON ENTERPRISES INC	INVENTORY PURCHASES	764.96
	00188834	MEEK, JOHN	OVERPAYMENT REFUND	452.95
	00188812	ELLEFSEN, EILEEN & FRANKLIN	OVERPAYMENT REFUND	401.96
	00188827	LARSON, CORRINE H	OVERPAYMENT REFUND	379.73
	00188847	ROBERTSON, MARGARET & PAUL	OVERPAYMENT REFUND	306.93
P0096298	00188816	GEMPLER'S INC	INVENTORY PURCHASES	245.08
P0096289	00188856	TRAFFIC SAFETY SUPPLY	INVENTORY PURCHASES	259.32
P0096290	00188859	USABlueBook	INVENTORY PURCHASES	235.57
	00188796	APPLE, MICHAEL	OVERPAYMENT REFUND	19.96
<i>Org Key: 814072 - United Way</i>				
	00188858	UNITED WAY OF KING CO	PAYROLL EARLY WARRANTS	120.00
<i>Org Key: 814074 - Garnishments</i>				
	00188805	CHAPTER 13 TRUSTEE	PAYROLL EARLY WARRANTS	1,331.00
<i>Org Key: 814075 - Mercer Island Emp Association</i>				
	00188837	MI EMPLOYEES ASSOC	PAYROLL EARLY WARRANTS	142.50
<i>Org Key: CM1100 - Administration (CM)</i>				
P0096322	00188799	BRAILEY CONSULTING	Public Engagement - Financial	3,000.00
	00188806	COMPLETE OFFICE	REPLACE WARRANT 188170	110.22
<i>Org Key: CM11SP - Special Projects-City Mgr</i>				
P0096305	00188866	WASHINGTON2 ADVOCATES LLC	August 2017 I-90 Loss of Mobil	2,500.00
<i>Org Key: CM1200 - City Clerk</i>				
P0096265	00188865	WAPRO	A Spietz WAPRO Fall Conference	175.00
<i>Org Key: CR1100 - CORe Admin and Human Resources</i>				
P0096323	00188849	SEATTLE TIMES, THE	JOB POSTING	250.00
P0096324	00188862	VERIZON WIRELESS	CELL PHONE - JULIE UNDERWOOD -	113.36
	00188806	COMPLETE OFFICE	REPLACE WARRANT 188170	55.92
<i>Org Key: CT1100 - Municipal Court</i>				
P0096321	00188810	DEPT OF ENTERPRISES SERVICES	Envelops	153.87
P0096320	00188823	INTERCOM LANGUAGE SERVICES INC	interpreting Services #17-289	120.00
<i>Org Key: DS1100 - Administration (DS)</i>				
P0096360	00188864	WACE	WACE Conference & Membership f	240.00
	00188806	COMPLETE OFFICE	REPLACE WARRANT 188170	41.86
<i>Org Key: FN4501 - Utility Billing (Water)</i>				
P0096296	00188804	CESSCO	STIHL KM130R TRIMMER S/N 50798	211.16
P0096335	00188819	HARRIS COMPUTER SYSTEMS	2017 Regional Conference	55.00
<i>Org Key: FN4502 - Utility Billing (Sewer)</i>				
P0096296	00188804	CESSCO	STIHL KM130R TRIMMER S/N 50798	211.15
<i>Org Key: FNBE01 - Financial Services</i>				
P93435	00188836	MI CHAMBER OF COMMERCE	MONTHLY BILLING FOR SERVICES	1,200.00

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: FR1100 - Administration (FR)</i>				
	00188803	CENTURYLINK	PHONE USE AUGUST 2017	302.72
<i>Org Key: FR2100 - Fire Operations</i>				
P0096306	00188814	EPSCA	MONTHLY RADIO ACCESS FEES 44 R	1,111.00
P0096258	00188826	KROESENS UNIFORM COMPANY	Uniform Pants/Petersen	135.19
<i>Org Key: FR2500 - Fire Emergency Medical Svcs</i>				
P0096292	00188828	LIFE ASSIST INC	Aid/Rig Supplies	964.55
P0096292	00188828	LIFE ASSIST INC	Pelican EMS Case	532.40
P0096257	00188794	AIRGAS USA LLC	Oxygen/Fire	202.73
P0096292	00188828	LIFE ASSIST INC	Pelican Cases Returned	-475.75
<i>Org Key: GGM001 - General Government-Misc</i>				
P0096303	00188843	OMWBE FINANCIAL OFFICE	Annual Fee	150.00
<i>Org Key: GGM004 - Gen Govt-Office Support</i>				
	00188806	COMPLETE OFFICE	REPLACE WARRANT 188170	894.82
	00188806	COMPLETE OFFICE	REPLACE WARRANT 188170	237.68
	00188806	COMPLETE OFFICE	REPLACE WARRANT 188170	141.76
	00188806	COMPLETE OFFICE	REPLACE WARRANT 188170	85.78
	00188806	COMPLETE OFFICE	REPLACE WARRANT 188170	57.73
<i>Org Key: IGBE01 - MI Pool Operation Subsidy</i>				
P93880	00188839	MI SCHOOL DISTRICT #400	2017 Operational support for M	10,913.50
<i>Org Key: IS2100 - IGS Network Administration</i>				
	00188803	CENTURYLINK	PHONE USE AUGUST 2017	2,194.10
P93438	00188832	MAGNAS LLC	MONTHLY LONG DISTANCE JAN-DEC	250.37
<i>Org Key: MT2100 - Roadway Maintenance</i>				
P0096288	00188856	TRAFFIC SAFETY SUPPLY	BAND-IT, BOLT BRACKET (50)	475.75
	00188846	PUGET SOUND ENERGY	ENERGY USE AUGUST 2017	300.43
P0096280	00188817	GRAINGER	LARGE HOSE CLAMPS	177.41
<i>Org Key: MT2300 - Planter Bed Maintenance</i>				
	00188846	PUGET SOUND ENERGY	ENERGY USE AUGUST 2017	12.16
<i>Org Key: MT3100 - Water Distribution</i>				
P0096281	00188815	FERGUSON ENTERPRISES INC	3" SENSUS OMNI H2 HYDRANT METE	1,463.44
P0096281	00188815	FERGUSON ENTERPRISES INC	2" WATTS DOUBLE CHECK VALVE	416.76
<i>Org Key: MT3200 - Water Pumps</i>				
	00188846	PUGET SOUND ENERGY	ENERGY USE AUGUST 2017	3,952.16
<i>Org Key: MT3500 - Sewer Pumps</i>				
	00188846	PUGET SOUND ENERGY	ENERGY USE AUGUST 2017	2,475.59
	00188803	CENTURYLINK	PHONE USE AUGUST 2017	505.01
P0096296	00188804	CESSCO	STIHL FS111R TRIMMER S/N 51126	334.36
<i>Org Key: MT3800 - Storm Drainage</i>				
P0096297	00188857	ULTRABLOCK INC	BLOCKS FOR SLIDE REPAIR AT 841	5,592.40
P0096249	00188795	AM TEST INC	INV 100206 STORMWATER TESTING	340.00
<i>Org Key: MT4150 - Support Services - Clearing</i>				

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
	00188806	COMPLETE OFFICE	REPLACE WARRANT 188170	164.16
	00188806	COMPLETE OFFICE	REPLACE WARRANT 188170	55.34
	00188806	COMPLETE OFFICE	REPLACE WARRANT 188170	32.41
P0096306	00188814	EPSCA	MONTHLY RADIO ACCESS FEES 1 RA	25.25
<i>Org Key: MT4200 - Building Services</i>				
	00188846	PUGET SOUND ENERGY	ENERGY USE AUGUST 2017	4,388.29
	00188846	PUGET SOUND ENERGY	ENERGY USE AUGUST 2017	4,033.92
P0096230	00188801	BUILDERS HARDWARE & SUPPLY CO.	SECURITY LOCK FOR CUSTOMER SER	937.00
<i>Org Key: MT4300 - Fleet Services</i>				
P93482	00188844	OVERLAKE OIL	INV 184868 2017 UNLEADED	3,121.20
P93482	00188844	OVERLAKE OIL	INV 184868 2017 UNLEADED	2,798.80
<i>Org Key: MT4420 - Transportation Planner Eng</i>				
	00188806	COMPLETE OFFICE	REPLACE WARRANT 188170	88.22
<i>Org Key: MT4501 - Water Administration</i>				
P0096311	00188850	SEATTLE, CITY OF	Aug 2017 Water Purchases	393,016.12
	00188803	CENTURYLINK	PHONE USE AUGUST 2017	53.77
<i>Org Key: MTBE01 - Maint of Medians & Planters</i>				
	00188846	PUGET SOUND ENERGY	ENERGY USE AUGUST 2017	776.19
<i>Org Key: PO1100 - Administration (PO)</i>				
P0096144	00188802	CDW GOVERNMENT INC	Police Records Printer	1,205.53
<i>Org Key: PO1350 - Police Emergency Management</i>				
P0096306	00188814	EPSCA	MONTHLY RADIO ACCESS FEES 13 R	328.25
	00188838	MI FARMERS MARKET	FARMERS MARKET BOOTH FEE	25.00
<i>Org Key: PO1650 - Regional Radio Operations</i>				
P0096306	00188814	EPSCA	MONTHLY RADIO ACCESS FEES 57 R	1,439.25
<i>Org Key: PO1800 - Contract Dispatch Police</i>				
P0096251	00188802	CDW GOVERNMENT INC	Acrobat DC Pro Licenses for Re	1,668.79
<i>Org Key: PO2100 - Patrol Division</i>				
P0096245	00188798	ASTRAL COMMUNICATIONS INC	Modem for Patrol Vehicle	1,202.30
<i>Org Key: PR1100 - Administration (PR)</i>				
P0096316	00188808	CONSOLIDATED PRESS	Fall/Winter Recreation Guide	3,874.34
	00188806	COMPLETE OFFICE	REPLACE WARRANT 188170	218.28
P93828	00188854	T2 SYSTEMS CANADA INC	Monthly charges for boat launc	77.00
<i>Org Key: PR2103 - Aquatics Programs</i>				
P0096275	00188842	OLYMPIC CASCADE AQUATICS	Swim day camp June/July/August	280.00
<i>Org Key: PR2104 - Special Events</i>				
P0096309	00188813	EPIC EVENTS & PROMOTION INC	Outdoor cinema services	2,409.00
P0096307	00188853	SWANK MOTION PICTURES INC	Outdoor movie usage fee	498.31
<i>Org Key: PR4100 - Community Center</i>				
	00188846	PUGET SOUND ENERGY	ENERGY USE AUGUST 2017	4,964.40
	00188803	CENTURYLINK	PHONE USE AUGUST 2017	51.58

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
P0096284	00188818	H D FOWLER	1-1/4" SLIP COUPLINGS	17.70
<i>Org Key: PR5600 - Cultural & Performing Arts</i>				
P0096308	00188863	VFW POST #5760	Arts Council Dance deposit for	400.00
<i>Org Key: PR6100 - Park Maintenance</i>				
P0096285	00188811	ECONOMY FENCE CENTER	REPAIRED 4' HIGH CHAIN LINK FE	949.30
	00188846	PUGET SOUND ENERGY	ENERGY USE AUGUST 2017	455.39
P0096286	00188852	SOUND SAFETY PRODUCTS	SAFETY BOOTS & MISC. WORK CLOT	402.41
P0096287	00188856	TRAFFIC SAFETY SUPPLY	"DOCK CLOSED" & "NO MOORAGE" S	140.19
P0096286	00188852	SOUND SAFETY PRODUCTS	RAINGEAR	50.00
<i>Org Key: PR6200 - Athletic Field Maintenance</i>				
P0096282	00188830	LLOYD ENTERPRISES INC	PLAYFIELD SAND (95.91 TONS)	1,124.64
P0096283	00188800	BSN SPORT INC	TENNIS NETS	167.30
	00188803	CENTURYLINK	PHONE USE AUGUST 2017	90.95
<i>Org Key: PR6500 - Luther Burbank Park Maint.</i>				
	00188846	PUGET SOUND ENERGY	ENERGY USE AUGUST 2017	776.94
	00188803	CENTURYLINK	PHONE USE AUGUST 2017	263.18
P0096286	00188852	SOUND SAFETY PRODUCTS	SAFETY BOOTS & MISC. WORK CLOT	211.78
P0096286	00188852	SOUND SAFETY PRODUCTS	RAINGEAR	25.00
<i>Org Key: PR6600 - Park Maint-School Related</i>				
P0096282	00188830	LLOYD ENTERPRISES INC	PLAYFIELD SAND (62.83 TONS)	1,473.50
	00188846	PUGET SOUND ENERGY	ENERGY USE AUGUST 2017	253.92
<i>Org Key: PR6700 - I90 Park Maintenance</i>				
P0096282	00188830	LLOYD ENTERPRISES INC	PLAYFIELD SAND (95.91 TONS)	1,124.64
	00188846	PUGET SOUND ENERGY	ENERGY USE AUGUST 2017	150.93
P0096283	00188800	BSN SPORT INC	TENNIS NETS	167.30
<i>Org Key: PY4617 - Flex Spending Admin 2017</i>				
	00188833	MANDEVILLE, TROY	FLEX SPEND REIMB	1,680.00
	00188831	LUND, MARK	FLEX SPEND REIMB	1,182.18
	00188848	SCHUMACHER, CHAD C	FLEX SPEND REIMB	755.05
	00188809	DALY, RYAN	FLEX SPEND REIMB	500.00
	00188821	HOOMAN, ELLIE	FLEX SPEND REIMB	217.39
	00188841	NELSON, CASEY	FLEX SPEND REIMB	200.00
	00188822	HORSCHMAN, BRENT	FLEX SPEND REIMB	192.31
	00188851	SOLOMON, MEARA	FLEX SPEND REIMB	192.31
	00188860	VAN GORP, ALISON	FLEX SPEND REIMB	192.31
	00188820	HEITMAN, STEVE	FLEX SPEND REIMB	72.87
<i>Org Key: VCP104 - CIP Streets Salaries</i>				
	00188806	COMPLETE OFFICE	REPLACE WARRANT 188170	88.22
<i>Org Key: VCP402 - CIP Water Salaries</i>				
	00188806	COMPLETE OFFICE	REPLACE WARRANT 188170	88.22
<i>Org Key: VCP426 - CIP Sewer Salaries</i>				
	00188806	COMPLETE OFFICE	REPLACE WARRANT 188170	88.22
<i>Org Key: VCP432 - CIP Storm Drainage Salaries</i>				

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
	00188806	COMPLETE OFFICE	REPLACE WARRANT 188170	88.22
<i>Org Key: WG130E - Equipment Rental Vehicle Repl</i>				
P0095646	00188867	WESTERN EQUIPMENT DISTRIBUTORS	PARKS FL-0421 REPLACEMENT	10,870.95
<i>Org Key: WP122R - Vegetation Management</i>				
P87160	00188797	APPLIED ECOLOGY LLC	5% Retainage	755.65
<i>Org Key: WP710C - Street End - Lincoln Landing</i>				
P0095391	00188845	PND ENGINEERS INC	Lincoln Landing Design Enginee	9,287.25
	00188855	THOMAS-SCHADT, MERRILL	LINCOLN LANDING MEETING REFRES	29.71
<i>Org Key: WP720R - Recurring Park Projects</i>				
P0095299	00188825	KCDA PURCHASING COOPERATIVE	Trash cans for Mercerdale park	4,794.81
P0096300	00188840	MUTUAL MATERIALS CO	PAVERS, MORTAR & BRICKS	1,151.83
P0096299	00188807	COMPTON LUMBER & HARDWARE INC	CEDAR LUMBER	1,148.03
<i>Org Key: WW521C - Water Components Replacement</i>				
P0096294	00188818	H D FOWLER	36" SAMPLING WANDS	567.19
<i>Org Key: XP710R - Luther BB Minor Capital LEVY</i>				
P87160	00188797	APPLIED ECOLOGY LLC	5% Retainage	1,260.00
<i>Org Key: YF1100 - YFS General Services</i>				
P0096293	00188829	LITHO CRAFT	Layout, design and production	4,636.80
	00188806	COMPLETE OFFICE	REPLACE WARRANT 188170	38.32
<i>Org Key: YF1200 - Thrift Shop</i>				
	00188846	PUGET SOUND ENERGY	ENERGY USE AUGUST 2017	606.87
<i>Org Key: YF2600 - Family Assistance</i>				
P93574	00188824	KC HOUSING AUTHORITY	Rental assistance for EA clien	154.00
Total				531,223.43



CITY OF MERCER ISLAND CERTIFICATION OF PAYROLL

PAYROLL PERIOD ENDING **8.25.17**
PAYROLL DATED **9.1.17**

Net Cash	\$	520,399.18
Net Voids/Manuals	\$	13,586.45
Net Total	\$	533,985.63

Federal Tax Deposit - Key Bank	\$	97,452.55
Social Security and Medicare Taxes	\$	47,105.97
Medicare Taxes Only (Fire Fighter Employees)	\$	2,202.82
Public Employees Retirement System 1 (PERS 1)	\$	-
Public Employees Retirement System 2 (PERS 2)	\$	27,619.00
Public Employees Retirement System 3 (PERS 3)	\$	5,641.12
Public Employees Retirement System (PERSJM)	\$	742.87
Public Safety Employees Retirement System (PSERS)	\$	182.98
Law Enforc. & Fire fighters System 2 (LEOFF 2)	\$	26,611.91
Regence & LEOFF Trust - Medical Insurance	\$	13,626.53
Domestic Partner/Overage Dependant - Insurance	\$	1,604.33
Group Health Medical Insurance	\$	1,027.99
Health Care - Flexible Spending Accounts	\$	2,627.99
Dependent Care - Flexible Spending Accounts	\$	2,359.17
United Way	\$	120.00
ICMA Deferred Compensation	\$	28,818.22
Fire 457 Nationwide	\$	8,864.02
Roth - ICMA	\$	50.00
Roth - Nationwide	\$	620.00
401K Deferred Comp	\$	-
Garnishments (Chapter 13)	\$	1,331.00
Child Support	\$	1,084.61
Mercer Island Employee Associationa	\$	142.50
Cities & Towns/AFSCME Union Dues	\$	-
Police Union Dues	\$	-
Fire Union Dues	\$	1,870.34
Fire Union - Supplemental Dues	\$	155.00
Standard - Supplemental Life Insurance	\$	-
Unum - Long Term Care Insurance	\$	754.50
AFLAC - Supplemental Insurance Plans	\$	824.36
Coffee Fund	\$	88.00
Transportation	\$	105.00
HRA - VEBA	\$	4,344.35
Miscellaneous	\$	-
Tax & Benefit Obligations Total	\$	277,977.13

TOTAL GROSS PAYROLL		\$ 811,962.76
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I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Mercer Island, and that I am authorized to authenticate and certify to said claim.

Charles L. Corder

Finance Director

I, the undersigned, do hereby certify that the City Council has reviewed the documentation supporting claims paid and approved all checks or warrants issued in payment of claims.

Mayor

Date



CITY COUNCIL MINUTES REGULAR MEETING SEPTEMBER 5, 2017

CALL TO ORDER & ROLL CALL

Mayor Bruce Bassett called the meeting to order at 5:00 pm in the Council Chambers of City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Mayor Bruce Bassett, Deputy Mayor Debbie Bertlin, and Councilmembers Dan Grausz, Salim Nice (arrived at 5:06 pm), Wendy Weiker (arrived at 5:09pm), David Wisenteiner (arrived at 5:04pm), and Benson Wong were present.

AGENDA APPROVAL

It was moved by Grausz; seconded by Bertlin to:

Approve the Agenda as presented.

Passed 4-0

FOR: 4 (Bassett, Bertlin, Grausz, Wong)

ABSENT: 3 (Nice, Weiker, Wisenteiner)

EXECUTIVE SESSION

Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(I) for 60 minutes.

At 5:04 pm, Mayor Bassett convened an Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 60 minutes.

At 6:00 pm, Mayor Bassett extended the Executive Session for 60 minutes.

At 6:55 pm, Mayor Bassett adjourned the Executive Session and the Regular Meeting resumed.

It was moved by Grausz; seconded by Bertlin to:

Move the Executive Session regarding review of the performance of a public employee to the end of the regular meeting.

Passed 4-0

FOR: 4 (Bassett, Bertlin, Grausz, Wong)

ABSENT: 3 (Nice, Weiker, Wisenteiner)

SPECIAL BUSINESS

AB 5343 Letter to the Community – Speaking Out Against Hate Groups and Defending Fundamental Rights

Councilmember Grausz spoke about recent events in Charlottesville, Virginia and elsewhere, which inspired counter-protests and comments from many elected officials. He also spoke of disappointment with the subsequent response from some national leaders and particularly the President which were not only factually incorrect but morally reprehensible. He then read the letter which commits to the residents of Mercer Island that the Council will “remain vigilant in the defense of the fundamental rights of every person in this country to live without fear of retribution or discrimination because of their race, religion, sex, national origin, color, disability, sexual orientation or gender identity.”

It was moved by Grausz; seconded by Bertlin to:

Approve the letter to the community speaking out against hate groups and defending fundamental rights, and direct staff to widely distribute it to the community.

Passed 7-0

FOR: 7 (Bassett, Bertlin, Grausz, Nice, Weiker, Wisenteiner, Wong)

Flash Family Inspiration Award

Mayor Bassett spoke about the history of the Flash Family Inspirational Award, which recognizes a senior adult member of the community who exemplifies good sportsmanship, and showcases the positive impact that can be made by seniors in our community. Mayor Bassett commended 2017 Award recipient Jack Sameshima for his outstanding work with organizing pickle ball on Mercer Island and creating a welcoming presence for others who might be interested in playing. He spoke of Jack's passion, sportsmanship and winning attitude.

Acting YFS Director Derek Franklin thanked Jack for his leadership keeping elderly citizens active in the community. He advised that Jack's name will be added to the Flash Family Award Historical Plaque which is housed at the Mercer Island Community and Event Center.

Mayor's Day of Concern for the Hungry Proclamation

Mayor Bassett proclaimed September 16, 2017 as Mayor's Day of Concern for the Hungry. The Mayor asked citizens to join in support of the Emergency Feeding Program of Seattle and King County and our local food banks to nourish those who are hungry.

National Recovery Month Proclamation

Mayor Bassett proclaimed September, 2017 as National Recovery Month. The Mayor encouraged the community to observe National Recovery Month by participating in upcoming awareness events and educational programming.

Acting YFS Director Derek Franklin spoke about both the Mayor's Day of Concern for the Hungry Proclamation, the National Recovery Month Proclamation. He thanked the Council for their support of the Youth and Family Services Programs which aim to help members of the community achieve happy and healthy lifestyles, both physically and mentally.

Councilmember Wong advised of King County's upcoming Behavioral Health Legislative Forum on Wednesday, November 8, 2017 from 6-8:30pm at the Seattle Center Exhibition Hall. The Forum is open to the public and a great venue to connect directly with legislators and county councilmembers.

CITY MANAGER REPORT

City Manager Julie Underwood provided her report regarding:

- Lincoln Landing Design Meeting – Wednesday, Sept 5 from 6-8pm at MICEC, Room 102.
- Fall CERT Training – Sept 6 through Oct 18, every Wednesday from 6:30-9:30pm at Mercer Island City Hall Emergency Operations Center.
- Art Uncorked – Friday, Sept 8 from 5-9pm, at Town Center (Between 78th Ave & Sunset Blvd).
- Mercer Island Police Immigration Status Policy.
- "Gathering of the Greens", Updated Date! Monday, Sept 18 from 6-9:00 pm at Mercer Island City Hall.
- Volunteer opportunities:
 - Senior Transportation Program
 - Annual Statewide Bike & Pedestrian County
- Other updates:
 - \$20,000 King County "Get Active/Stay Active" Grant for Island Crest Park Project.
 - \$23,660 Port of Seattle Economic Development Grant to fund new wayfinding signs for Town Center.
 - \$233,240 estate donation to Mercer Island Fire Department from resident Mary Vacchieri.
 - Lemonade stand fundraiser for Mercer Island Fire Department.
 - Changes to community shuttle Route 630.
 - OPEIU Local 8 on strike.

APPEARANCES

Dick Winslow, 3761 77th Ave SE, spoke about a mailing received threatening about threat to property values. Spoke in support of Residential Development Standards code update.

Brian Hilderbrandt, 6880 West Mercer Way, spoke in support of Residential Development Standards code update. He expressed concern regarding issues with over full parking lots at Mercer Island Park and Ride.

Carolyn Boatsman, 3210 74th Ave SE, spoke about Residential Development Standards code update and tree code updates. She felt that most Islanders want exceptional trees to be preserved.

David Youseffnia, 8214 SE 30th St, spoke about concern with the numbering in the Council Meeting agenda of the Residential Development Standards code. He also spoke in opposition to hardscape standards in the code update. He feels the code update is too restrictive.

Mark Denmark, 4810 West Mercer Way, spoke in opposition to Residential Development Standards code update. He feels the code update is too restrictive.

Lynn Hagerman, 3058 61st Ave SE, spoke in support of Residential Development Standards code update.

Randy Bannecker, Seattle King County Realtors, expressed concern that the Residential Development Standards code update may be too restrictive. Asked the Council to take more time before approval, or remove the tree code updates from the code update.

Dan Thompson, 7265 North Mercer Way, spoke in support of Residential Development Standards code update. He asked the Council to approve the code update as soon as possible.

Olivia Lippens, 2740 West Mercer Way, spoke in opposition of Residential Development Standards code update. She expressed concerns with the timeline. She felt that there are many residents who are still unaware of the updates being discussed.

Suzanne Skone, 2834 60th Ave SE, spoke in support of the Residential Development Standards code update. She asked the Council to approve the code update as soon as possible.

Mark Russo, 7525 SE 24th St, spoke about Residential Development Standards code update. He asked the Council to table the vote on this ordinance to give the code update further consideration.

Mike Leahey, 9852 Mercerwood Drive, spoke in support of the Residential Development Standards code update.

David Hoffman, Master Builders Association, 335 116th Ave SE Bellevue, expressed concern that the Residential Development Standards code update may be too restrictive. Asked the Council to take more time before approval and reconsider the recommendations provided by Master Builders Association earlier in the process.

CONSENT CALENDAR

Councilmember Grausz requested AB 5337 to be removed from the Consent Calendar. Mayor Bassett moved it to the first item of Regular Business.

Payables: \$559,196.63 (08/10/2017), \$1,018,138.25 (08/17/2017), \$334,581.37 (08/24/2017), \$713,215.89 (08/31/2017)

Recommendation: Certify that the materials or services hereinbefore specified have been received and that all warrant numbers listed are approved for payment.

Payroll: \$868,741.09 (08/18/2017)

Recommendation: Certify that the materials or services specified have been received and that all fund warrants are approved for payment.

Minutes: August 7, 2017 Regular Meeting Minutes

Recommendation: Adopt the July 17, 2017 Regular Meeting Minutes as written.

It was moved by Wong; seconded by Wisenteiner to:

Approve the Consent Calendar and the recommendations therein as amended.

Passed 7-0

FOR: 7 (Bassett, Bertlin, Grausz, Nice, Weiker, Wisenteiner, Wong)

REGULAR BUSINESS

AB 5337 Vacchiery Estate Gift to the Mercer Island Fire Department

Council discussion took place regarding using this type of gift for Fire Department overtime costs or the fire apparatus sinking fund.

It was moved by Grausz; seconded by Nice to:

Accept the Vacchiery Estate Gift on behalf of the Mercer Island Fire Department and appropriate the full \$233,240 to the fire apparatus sinking fund.

Passed 7-0

FOR: 7 (Bassett, Bertlin, Grausz, Nice, Weiker, Wisenteiner, Wong)

AB 5341 Residential Development Standards Code Amendments (6th Reading)

Evan Maxim, Planning Manager, provided an overview of the Community Outreach that has been conducted and informed the Council of feedback that has been received from the public. He sought direction from the Council on the following;

Additional Code Amendments:

Council Direction: Support recommended corrections provided in errata sheet and suggested updates to Hardscape standard and Appendix G.

Effective Date of Code Updates:

Council Direction: New code shall go into effect on October 30, 2017.

Additional Resource Allocations:

DSG Director Scott Greenberg spoke about Department need for the part-time Arborist and part-time Code Compliance Officer positions to be made full time to accommodate the increase in their workloads. He advised this increase will be fully funded by permit fee revenue in 2017-2018.

Council Direction: Staff return with agenda bill making the formal request for staffing increase.

Permit Vesting:

Council Direction: Staff return with additional information regarding how vesting would work under the new code when permits are applied for before a lot determination has taken place.

Finance Director Chip Corder addressed some misinformation in the community regarding development revenues, and the impact that changes to the Town Center or residential code have had on them.

It was moved by Bertlin; seconded by Nice to:

Set Ordinance No. 17C-15, amending the City's Residential Development Standards, for 7th reading and adoption on September 19, 2017.

Passed 6-1

FOR: 6 (Bassett, Bertlin, Grausz, Nice, Wisenteiner, Wong)

AGAINST: 1 (Weiker)

AB 5340 Revised Public Engagement Plan on City's Operating & Capital Funding Challenges

Finance Director Chip Corder presented the updated timeline for previously approved public engagement plan regarding the City's operating and capital funding challenges. There was Council consensus to move forward with the revised plan.

AB 5338 Second Quarter 2017 Financial Status Report & Budget Adjustments

Finance Director Chip Corder presented the 2017 2nd Quarter Financial Status Report & Proposed Budget Adjustments, reviewing the following:

- General Fund (revenues, general sales tax, utility tax, licenses, permits and zoning fees, expenditures)
- Utility Fund (water, sewer, stormwater)
- All Other Funds (YFS Fund, Street Duns, Capital Improvement Fund: REET & Project Highlights)
- 2017-2018 Budget Adjustments (previously approved and new requests)

Councilmember Grausz proposed moving \$50,000 of REET funds to Open Vegetation Management program. The Council consensus was to reject the proposal at this time.

It was moved by Wong; seconded by Grausz to:

Adopt Ordinance No. 17-22, amending the 2017-2018 Budget.

Passed 4-3

FOR: 4 (Bassett, Nice, Wisenteiner, Wong)

AGAINST: 3 (Berlin, Grausz, Weiker)

It was moved by Grausz; seconded by Wisenteiner to:

Table AB 5339 to the Regular City Council Meeting on September 19, 2017.

Passed 7-0

FOR: 7 (Bassett, Berlin, Grausz, Nice, Weiker, Wisenteiner, Wong)

OTHER BUSINESS

Councilmember Absences

There were no absences.

Planning Schedule

City Manager Julie Underwood advised that there will be a Study Session on September 19 regarding right of way services and trees.

It was moved by Bassett; seconded by Grausz to:

Move Executive Session #1 to 5pm at the Regular City Council Meeting on September 19, 2017.

Passed 7-0

FOR: 7 (Bassett, Berlin, Grausz, Nice, Weiker, Wisenteiner, Wong)

Board Appointments

Deputy City Clerk Ellie Hooman advised of an Arts Council Vacancy. The City will be accepting applications from interested citizens until September 15, 2017. Applications can be located on the City's website on both the Arts Council page and the Boards and Commissions page. An appointment is expected at the October 3, 2017 Regular City Council Meeting.

Councilmember Reports

Councilmember Wisenteiner noted the Swim Across America-Seattle fundraiser benefiting Seattle Cancer Care Alliance. The event will take place at Luther Burbank Park on Saturday, September 9, 2017.

ADJOURNMENT

The Regular Meeting adjourned at 11:40 pm.

Bruce Bassett, Mayor

Attest:

Ellie Hooman, Deputy City Clerk



**BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND, WA**

**AB 5342
September 19, 2017
Consent Calendar**

**PORT OF SEATTLE ECONOMIC
DEVELOPMENT PARTNERSHIP GRANT
FUNDING FOR WAYFINDING SIGN PROGRAM**

Proposed Council Action:

Accept grant, authorize agreement and budget adjustment

DEPARTMENT OF	Public Works (Anne Tonella-Howe)
COUNCIL LIAISON	n/a
EXHIBITS	n/a
2017-2018 CITY COUNCIL GOAL	n/a
APPROVED BY CITY MANAGER	

AMOUNT OF EXPENDITURE	\$	35,490
AMOUNT BUDGETED	\$	0
APPROPRIATION REQUIRED	\$	35,490

SUMMARY

The Port of Seattle Economic Development Partnership program extended their economic development grant program another year to help fund economic development initiatives across King County. The program is designed to promote the Port's Century Agenda by supporting local community development activities. The awards are available to 38 incorporated cities in King County, based on a \$1 per capita formula. A 50 percent local match is required. The City of Mercer Island is eligible for \$23,660 in Port funds. On August 16, 2017, the Port approved the City's 2017 application for implementation of a Wayfinding Sign program.

The City utilized Port funds from the initial grant program in 2016 to develop and design wayfinding signs to direct cyclists, pedestrians and motorists from the I-90 corridor to the Town Center, supporting local business growth. Staff intends to use funds from the 2017 grant program for Wayfinding Sign program implementation. While Port funds cannot be used for capital expenses, signage as part of a wayfinding program is not considered a capital expense and is eligible for use. As required by the grant, the City will contribute \$11,830 towards the Project, which is the City's estimated staff costs toward the project. Available funds have been identified in the Beautification Fund for the City's match.

RECOMMENDATION

Assistant City Engineer

MOVE TO: Accept the grant from the Port of Seattle, authorize the City Manager to enter into an agreement with the Port of Seattle, and appropriate \$35,490 from the Beautification Fund for the project.



**BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND, WA**

**AB 5345
September 19, 2017
Regular Business**

**RESIDENTIAL DEVELOPMENT STANDARDS
(7TH READING AND ADOPTION)**

Proposed Council Action:

Adopt Ordinance No. 17C-15 amending the Residential Development Standards, pass a motion authorizing the creation of full-time arborist and code compliance official positions, and pass a motion directing staff to address the Planning Commission's recommendations

DEPARTMENT OF

Development Services Group (Evan Maxim)

COUNCIL LIAISON

n/a

EXHIBITS

1. Ordinance No. 17C-15 (with Attachment A)
2. Planning Commission Accompanying Recommendations

2017-2018 CITY COUNCIL GOAL

2. Maintain the City's Residential Character

APPROVED BY CITY MANAGER

AMOUNT OF EXPENDITURE	\$	n/a
AMOUNT BUDGETED	\$	n/a
APPROPRIATION REQUIRED	\$	n/a

SUMMARY

SUMMARY

On September 5, 2017, the City Council completed its sixth reading of the proposed Residential Development Standards and directed staff to prepare the Ordinance for adoption on September 19, 2017.

On September 19, 2017, the staff is prepared for the Council to:

1. Adopt Ordinance No. 17C-15 with Attachment A and an effective date of November 1, 2017;
2. Provide direction to staff regarding the Planning Commission Accompanying Recommendations;
3. Direct staff to implement the ongoing public outreach program; and
4. Authorize additional resources for a full-time equivalent arborist and full-time equivalent code compliance officer.

RESIDENTIAL CODE AMENDMENTS AND EFFECTIVE DATE

The City Council provided direction on September 5, 2017 to incorporate several additional changes into the Residential Development Standards, which are included in Attachment A to Exhibit 1. The City Council also provided direction to staff to include an effective date of October 30, 2017 for the proposed code amendments. Staff is proposing a slight change in the effective date to November 1, 2017. Permit applications are assigned numbers based on the year and month (such as 1710-xxx for a permit submitted

in October 2017). If the effective date is November 1, then all permit applications with a 1711-xxx number will be subject to the new code provisions, making the distinction between applications submitted under the old and new codes easier to determine.

Finally, the City Council directed staff to look into limiting the consolidation of building permits with land use applications; for example, the application for building permits at the same time that an application for a short subdivision is received. Staff recommends that the City Council review this item as part of the forthcoming review of the procedural code amendments in 2018. As an interim measure, sections 3 and 4 of the Ordinance (Exhibit 1) prevent the consolidated review of residential building and construction permits, and require land use approval of any required administrative or discretionary actions prior to application for a building permit.

PLANNING COMMISSION ACCOMPANYING RECOMMENDATIONS

On June 5, 2017, as part of the recommendation on the proposed Residential Development Standards, the Planning Commission generated a list of other recommended actions for City Council review (Exhibit 2). In summary, the Planning Commission has recommended that the City Council:

- A) Direct staff to add additional code amendments to the work plan (Exhibit 2, items 1-3 and 5-7).
Staff recommendation: Direct staff to add these items to the work plan and discuss as needed at upcoming City Council planning sessions.
- B) Evaluate the effect of the residential development code in 3 to 5 years (Exhibit 2, items 4 and 8).
Staff recommendation: See evaluation and public outreach / implementation section below.
- C) Protect the former Boys and Girls club property through landmark designation (Exhibit 2, item 11).
Staff recommendation: No action is recommended at this time.
- D) Fund a full-time equivalent city arborist (Exhibit 2, item 9).
Staff recommendation: See resource section below.
- E) Direct staff to improve permit procedures to clarify permitting processes (Exhibit 2, items 10 and 12).
Staff recommendation: See evaluation and public outreach / implementation section below.

EVALUATION AND PUBLIC OUTREACH / IMPLEMENTATION

The proposed residential code amendments represent a significant change to several chapters of the Mercer Island City Code. Staff recommends that the City Council direct staff to: A) evaluate the overall effect of the code amendments in 3 to 5 years; B) engage in ongoing public outreach; and C) initiate a regular review and, if needed, amendment of the regulations to clarify or refine code language identified through implementation.

Evaluation: City staff recommends evaluating the effectiveness of the code amendments in 3 to 5 years, to determine if additional amendments are required. Most building permits will require 3 to 6 months to complete the permit review process and construction can require a year or more. Extending the evaluation to 5 years would allow for collection of a larger data set for review and analysis. Staff understands that the last amendment analogous to the current residential development code amendments was in 1999 – approximately 18 years ago. Consequently, staff recommends a minimum of 3 years before re-evaluating the amendments and recommends that the City Council consider it as part of its annual goal setting and work plan process.

To aid in the follow-up evaluation of the effect of code amendments, staff anticipates collecting single family residential building permit data related to:

1. Lot coverage, landscaping area, and hardscape;

2. Gross floor area;
3. Tree removal associated with development proposals; and
4. Other data identified by the City Council.

Public Outreach: Following adoption of the amended residential development standards, the City will engage in additional public outreach to provide educational materials and information sessions for residents and building professionals.

Immediately following adoption, the City will focus primarily on preparation of revised forms and application materials and training of review staff. In addition, focused efforts will be made to inform all applicants/property owners with active permit applications of how the code changes may or may not affect their projects. Finally, the City will also reach out to interested building professionals and property owners to schedule information session(s) on the code changes.

Regular Maintenance and Continuous Improvement: In the interest of continuous improvement to the clarity of the regulations resulting from the correction of unclear or ambiguous language in the Mercer Island City Code, the City intends to convene a “User Group” that would meet 2 to 4 times a year. The User Group would generally consist of staff, architects, property owners, and builders that would seek to identify administrative practices or regulations that could be clarified or improved. Administrative practices will be addressed as part of the City’s adaptive management programs. Regulations identified by the user group that require clarification or improvement will be added to the City’s regular docket of amendments. The City anticipates that a regular docket of clarification or improvement code amendments will result from this process. The User Group process will focus on “tweaks” or minor amendments that clarify or improve the code and would not result in significant changes to the policy direction, which would be reserved for the Evaluation process noted described above.

RESOURCES

Based upon the direction received by the City Council on September 5, 2017, staff is planning to fund the full-time equivalent Arborist and Code Compliance Officer positions through current permit fee revenues. The currently projected 2017 permit fee revenue of \$2.9 to \$3 Million exceeds the budgeted permit fee revenue by about \$300,000 to \$400,000. Under State law, the surplus must be used to cover the cost of processing applications, reviewing plans, and inspections. The surplus can be used to fund the \$155,000 needed for both positions for the last quarter of 2017 (\$31,000) and all of 2018 (\$124,000).

If projected revenues do not meet expectations, staff will return to Council with a proposal to increase permit fees to cover these expanded positions. Staff recommends that the Council pass the motion below authorizing expansion of the arborist and code compliance officer positions to full-time equivalent positions.

RECOMMENDATION

Planning Manager

- MOVE TO:
1. Adopt Ordinance No. 17C-15, amending Mercer Island City Code Titles 8, 17, and 19 on Residential Development Standards, which shall take effect five days after the date of publication, provided the effective date for Attachment A shall be on November 1, 2017.
 2. Direct staff to incorporate the Planning Commission Accompanying Recommendations into DSG’s work plan.
 3. Direct staff to monitor the implementation of the Residential Development Standards and report back to the City Council in 3 to 5 years on the effectiveness of the proposed amendments. Further direct staff to engage in public outreach and continuous improvement of the adopted regulations, using the “user group” process.
 4. Authorize expansion of the arborist and code compliance officer positions to full-time equivalent positions.

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**CITY OF MERCER ISLAND
ORDINANCE NO. 17C-15**

AN ORDINANCE OF THE CITY OF MERCER ISLAND AMENDING MERCER ISLAND CITY CODE TITLES 8, 17, AND 19 MICC ON RESIDENTIAL DEVELOPMENT STANDARDS; PERMITTING CORRECTION OF SCRIVENER’S ERRORS DURING CODIFICATION; AUTHORIZING ISSUANCE OF INTERPRETATIONS AND RULES TO ADMINISTER THE AMENDED CODE; PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Mercer Island City Code (MICC) establishes development regulations that are intended to result in the implementation of the Mercer Island Comprehensive Plan pursuant to RCW 36.70A.040; and,

WHEREAS, the Mercer Island City Council determined that amendments to the development regulations were necessary to ensure that residential development was occurring consistent with the provisions of the Mercer Island Comprehensive Plan; and,

WHEREAS, the Mercer Island City Council directed the Planning Commission to review the residential development standards and provide a recommendation to the City Council; and,

WHEREAS, the Mercer Island Planning Commission engaged in a thorough review of the residential development standards, hosted three community meetings, held public hearings on April 5, 2017 and June 12, 2017, reviewed myriad written comments from the public, and held 14 public meetings to consider amendments to the residential development standards; and,

WHEREAS, the Mercer Island Planning Commission has unanimously recommended adoption of the proposed amendments to the residential development standards; and,

WHEREAS, the Mercer Island Comprehensive Plan Land Use Element and Housing Element establish numerous goals and policies that are implemented through the adoption of revised residential development standards; and,

WHEREAS, a SEPA Determination of Non Significance was issued by the City on March 20, 2017; and,

WHEREAS, the Washington Department of Commerce granted expedited review of the proposed amendments to the development regulations on April 20, 2017;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: **Adoption of Amendments to Titles 8, 17, and 19 of the Mercer Island City Code.** The amendments to the Mercer Island City Code as set forth in Attachment “A” to this ordinance are hereby adopted.

Section 2: **Codification and Effective Date of the Regulations.** The City Council authorizes the Development Services Group Director and the City Clerk to correct errors in Attachment A, codify the regulatory provisions of the amendments into Titles 8, 17, and 19 of the Mercer Island City Code, and publish the amended code. Notwithstanding the effective date of this Ordinance set forth in Section 7, the effective date of the regulatory provisions in Attachment A shall be on and after November 1, 2017.

Section 3: **Excluding Residential Building and Construction Permits from Consolidated Review.** Pursuant to the Revised Code of Washington (RCW) 36.70B.140, the City Council hereby excludes residential building and other residential construction permits from consolidated permit review. This section shall apply to all residential building and other residential construction permits received after the effective date of this ordinance.

Section 4: **Land Use Approval Required.** All necessary land use approvals, in the form of approval of all required administrative or discretionary actions required pursuant to Mercer Island City Code (MICC) 19.15.010, shall be a condition precedent for a residential building and other residential construction permit. This section shall apply to all residential building and other residential construction permits received after the effective date of this ordinance.

Section 5: **Interpretation.** The City Council authorizes the Development Services Group Director to adopt administrative rules, interpret, and administer the amended code as necessary to implement the legislative intent of the City Council.

Section 6: **Severability.** If any section, sentence, clause or phrase of this ordinance or any municipal code section amended hereby should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this ordinance or the amended code section.

Section 7: **Publication and Effective Date.** A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall take effect and be in full force five days after the date of publication.

PASSED by the City Council of the City of Mercer Island, Washington at its regular meeting on the _____ day of _____ 2017 and signed in authentication of its passage.

CITY OF MERCER ISLAND

Bruce Bassett, Mayor

Approved as to Form:

ATTEST:

Kari Sand, City Attorney

Allison Spietz, City Clerk

Date of Publication: _____

CITY COUNCIL REVIEW DRAFT
Draft Date: September 19, 2017
Draft Zoning Text Amendments
Residential Development Standards

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NUISANCE CONTROL CODE

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- 4 19.10.140 Nuisance abatement.
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7
8 ADMINISTRATION

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11
12 DEFINITIONS

- 13 19.16.010 Definitions.

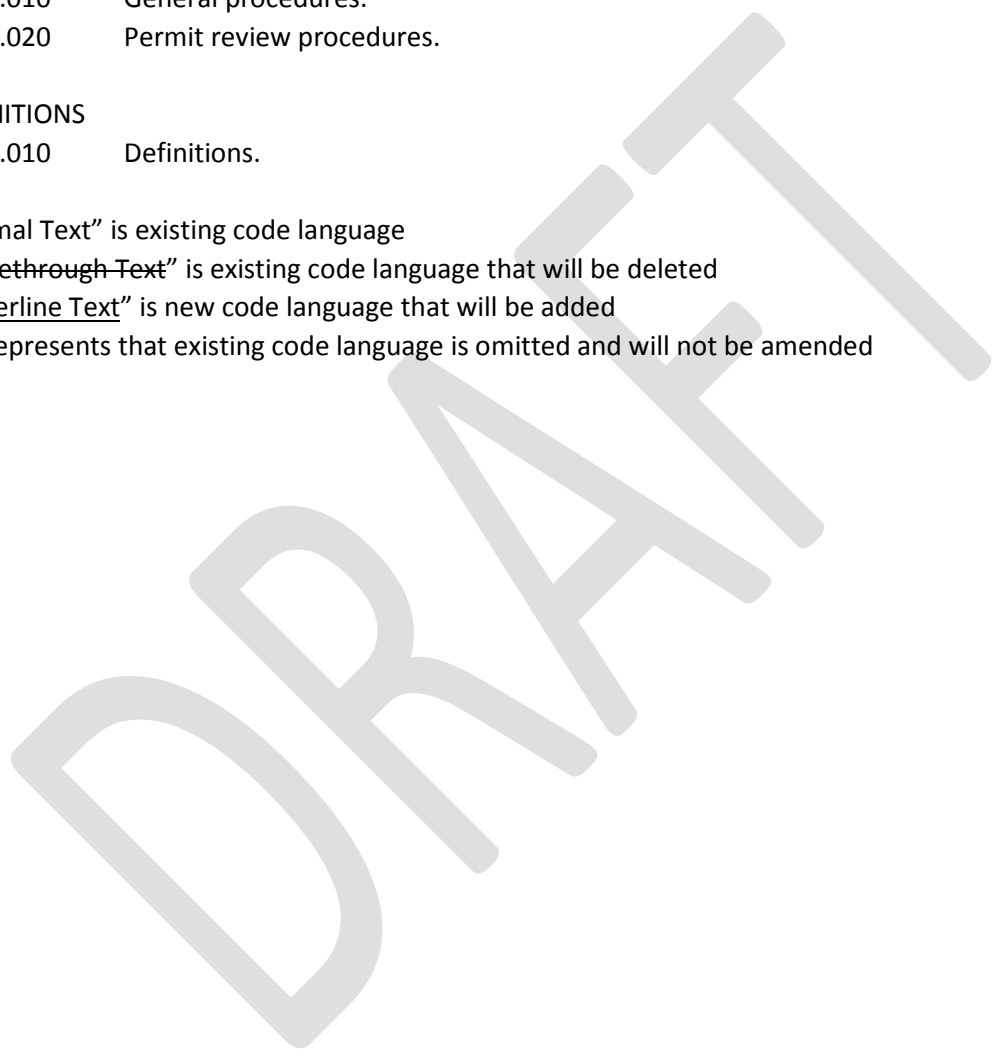
14
15 "Normal Text" is existing code language

16 "~~Strikethrough Text~~" is existing code language that will be deleted

17 "Underline Text" is new code language that will be added

18 "... " represents that existing code language is omitted and will not be amended

19
20



Chapter 8.24
NUISANCE CONTROL CODE

8.24.020 Types of nuisances.

Each of the following conditions, actions or activities, unless otherwise permitted by law, is declared to constitute a public nuisance, and is subject to criminal enforcement and penalties as provided in this chapter. In addition, or in the alternative, whenever the enforcement officer determines that any of these conditions, actions or activities exist upon any premises or in any lake, river, stream, drainage way or wetlands, the officer may require or provide for the abatement thereof pursuant to this chapter:

...

~~Q. Production of any of the following sounds or noises between the hours of 10 pm to 7 am on Mondays through Fridays, excluding legal holidays, and between the hours of 10 pm and 9 am on Saturdays and Sundays and legal holidays, except in the cases of bona fide emergency or under permit from the city building department in case of demonstrated necessity:~~

- ~~1. Sounds caused by the construction or repair of any building or structure,~~
- ~~2. Sounds caused by construction, maintenance, repair, clearing or landscaping,~~
- ~~3. Sounds created by the installation or repair of utility services,~~
- ~~4. Sounds created by construction equipment including special construction vehicles.~~

~~It is intended that the sounds described in this subsection refer to sounds heard beyond the property line of the source;~~

Q. Sounds.

A. Sounds regulated by this section:

- 1. The intent of this section is to regulate sounds heard beyond the property line of the source;
- 2. The following sounds are explicitly regulated by this section:
 - a. Sounds caused by the construction or repair of any building or structure;
 - b. Sounds caused by construction, maintenance, repair, clearing or landscaping;
 - c. Sounds created by the installation or repair of utility services; and
 - d. Sounds created by construction equipment including special construction vehicles.

B. Sounds related to activity authorized by a permit from the City of Mercer Island are limited as follows:

- 1. Sounds shall only be allowed between the hours of 7am to 7pm on Mondays through Fridays, and between the hours of 9am and 6pm on Saturdays.
- 2. Sounds shall be prohibited at any time of day on Sunday and legal holidays.

C. Sounds related to activity that does not require a permit from the City of Mercer Island shall only be allowed between the hours of 7am to 8pm on Mondays through Fridays, and between the hours of 9am and 8pm on Saturdays, Sundays, and legal holidays.

D. The enforcement officer may authorize a variance to this section pursuant to Chapter 173-60 of the Washington Administrative Code (WAC).

1 Chapter 17.14
2 CONSTRUCTION ADMINISTRATIVE CODE

3
4 **17.14.010 Adoption.**

5 The Construction Administrative Code is hereby adopted as follows:

6 ...

7 105.5 Expiration.

8
9 1. Every permit issued shall expire two years from the date of issuance. For non-residential or
10 mixed use construction, ~~the~~ building official may approve a request for an extended expiration
11 date where a construction schedule is provided by the applicant and approved prior to permit
12 issuance.

13
14 2. The building official may approve a request to renew a permit if an additional fee has been
15 paid, a construction schedule and management plan is provided and approved, and no changes
16 have been made to the originally approved plans by the applicant. Every permit that has been
17 expired for one year or less may be renewed for a period of one year for an additional fee as
18 long as no changes have been made to the originally approved plans. Requests for permit
19 renewals shall be submitted prior to permit expiration. When determining whether to approve
20 a building permit renewal, the building official may consider whether a previously approved
21 construction schedule for the building permit has been adhered to by the applicant. In cases
22 where a construction schedule has not been adhered to, due to reasonably unforeseeable
23 delays, the building official may authorize renewal of the permit. Renewed permits shall expire
24 3 years from the date of issuance of the original permit. The building official shall not authorize
25 a permit renewal if the construction schedule supplied with the renewal request will not result
26 in the completion of work within the time period authorized under the permit renewal. For
27 permits that have ~~been expired for longer than one year~~, a new permit must be obtained and
28 new fees paid. No permit shall be renewed more than once.

29
30 3. Electrical, mechanical and plumbing permits shall expire at the same time as the associated
31 building permit except that if no associated building permit is issued, the electrical, mechanical
32 and/or plumbing permit shall expire 180 days from issuance.

33
34 4. The building official may authorize a 30-day extension to an expired permit for the purpose of
35 performing a final inspection and closing out the permit as long as not more than 180 days has
36 passed since the permit expired. The 30-day extension would commence on the date of written
37 approval. If work required under a final inspection is not completed within the 30-day extension
38 period, the permit shall expire. However, the building official may authorize an additional 30-
39 day extension if conditions outside of the applicant's control exist and the applicant is making a
40 good faith effort to complete the permitted work.

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42 ...

43 105.6 Construction management plan and construction schedule.

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1. Every permit issued for the construction of a new single family home with a gross floor area of more than 6,000 square feet, or as required for a permit renewal under section 105, shall provide a construction management plan and a construction schedule for approval by the building official.
2. Every permit issued for the remodel or addition to a single family home that will result in the modification of more than 6,000 square feet gross floor area, or the addition of more than 3,000 square feet gross floor area, or as required for a permit renewal under section 105, shall provide a construction management plan and a construction schedule for approval by the building official.
3. The construction management plan shall include measures to mitigate impacts resulting from construction noise, deliveries and trucking, dust / dirt, use of the street for construction related staging and parking, off-site parking, and haul routes. The building official may require additional information as needed to identify and establish appropriate mitigation measures for construction related impacts.
4. The construction schedule shall identify major milestones, anticipated future phases, and anticipated completion dates. The construction schedule shall establish a timeline for completion of exterior and interior building related construction activity and site work. The construction schedule shall incorporate appropriate measures to address unforeseeable delays and shall provide for contingencies. The building official may require additional information or revisions to the construction schedule.
5. The building official is authorized to take corrective measures as needed to ensure adherence to the approved construction management plan and construction schedule.

1 Chapter 19.01
2 GENERAL PROVISIONS

3
4 ...

5
6 **19.01.050 Nonconforming structures, sites, lots and uses.**

7
8 A. General.

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10 ...

11
12 7. Deviations. Existing structures and sites resulting from the approval of a previous deviation shall be considered "conforming" structures or sites, provided the structure or site complies with the deviation approval. Structures and sites resulting from a prior deviation approval are not subject to the provisions of Chapter 19.01 MICC
13
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16

17
18 B. Repairs and Maintenance.

19
20 1. Ordinary Repairs and Maintenance. Ordinary repairs and maintenance of a legally
21 nonconforming structure are permitted. In no event may any repair or maintenance result in the
22 expansion of any existing nonconformity or the creation of any new nonconformity.

23
24 2. Decks. Repair and maintenance of a legally nonconforming deck, including total replacement,
25 is allowed, as long as there is no increase in the legal nonconformity and no new
26 nonconformances are created; provided, ~~in the R-8.4 zone,~~ any portion of a nonconforming deck
27 that is in a side yard and less than five feet from an interior lot line may be replaced only if the
28 deck is reconstructed to comply with current minimum side yard requirements.

29
30 ...

31
32 F. Nonconforming Sites.

33
34 1. Impervious Surface Coverage Limitation. A structure on a site that is legally nonconforming
35 because the maximum allowable surface coverage has been exceeded can be increased in
36 height and gross floor area (up to the maximum ~~height~~ permitted). No new impervious surfaces
37 are permitted outside the footprint of an existing structure unless the site is either brought into
38 conformance with all applicable impervious surface limitations or two square feet of legally
39 existing impervious surface is removed for every one square foot of new impervious surface.

40
41 2. Parking Requirements. These parking requirements apply to subsections (F)(2)(a) and (c) of
42 this section in the event of an intentional exterior alteration or enlargement, but do not apply in
43 the event of reconstruction following a catastrophic loss. In the event of catastrophic loss,
44 nonconforming parking may be restored to its previous legally nonconforming configuration.

1
2 a. Detached Single-family Dwelling Site. A proposed addition of more than 500 square
3 feet of gross floor area to a detached single-family dwelling site, ~~which that~~ is legally
4 nonconforming because it does not provide the number and type of parking spaces
5 required by current code provisions, shall provide parking spaces as provided by MICC
6 19.02.020(~~G~~)(4).

7
8 b. Town Center. A structure in the Town Center that is legally nonconforming because it
9 does not provide the number and type of parking spaces required by current code
10 provisions shall provide parking spaces as required by MICC 19.11.130(B)(1)(a) and
11 subsections (1)(1) and (2) of this section, as applicable.

12
13 c. Sites Other Than for a Detached Single-Family Dwelling or in Town Center.

14
15 i. New Development and Remodels. A site other than those identified in
16 subsections (F)(2)(a) and (b) of this section that is legally nonconforming
17 because it does not provide the number or type of parking spaces required by
18 current code provisions shall provide parking spaces as required by the current
19 code provisions for the zone where the site is situated for all new development
20 and remodels greater than 10 percent of the existing gross floor area.

21
22 ii. Change of Use. A site other than those identified in subsection (F)(2)(a) and
23 (b) of this section that is legally nonconforming because it does not provide the
24 number or type of parking spaces required by current code provisions shall
25 provide parking spaces as required by the current code provisions for the zone
26 where the site is situated whenever there is a change of use.

27
28 3. Landscaping, Open Space and Buffer Requirements.

29 a. Regulated improvements. A site developed with a regulated improvement shall be
30 brought into conformance with current code requirements for landscaping, open space
31 and buffers. A site's landscaping, open space and buffers shall be brought into
32 conformance with current code requirements whenever a structure or use on the site
33 loses its legal nonconforming status. Landscaping, open spaces and buffers should be
34 brought into conformance with current code requirements as much as is feasible
35 whenever any changes are made to a legal nonconforming structure.

36 b. Lot Coverage – Single Family Dwellings. A site developed with a single family dwelling
37 that is legally nonconforming because the required landscaping area pursuant to
38 Chapter 19.02 MICC has not been provided, or because maximum allowable hardscape
39 has been exceeded, can be increased in height and gross floor area (up to the maximum
40 height and gross floor area permitted). No new hardscape or further reduction in
41 landscaping area is permitted unless:

42 i) The site is either brought into conformance with all applicable lot coverage
43 requirements of MICC 19.02.020; or,

- ii) For lots where the minimum hardscape is exceeded, two square feet of legally existing hardscape is removed for every one square foot of new hardscape; or,
- iii) For lots where the maximum lot coverage is exceeded, two square feet of landscaping area is provided for every one square feet of additional non-landscaping area.

...

19.01.070 Variance and deviation procedures.

An applicant for a permit under this development code may request a variance or deviation from those numeric standards set out in the code that are applicable to the permit. The applicant shall make such a request to the official or body designated in MICC 19.15.010 (E).

A. Variance.

- 1. An applicant may request a variance from any numeric standard applicable to the permit or from any other standard that has been specifically designated as being subject to a variance.
- 2. A variance may be granted if the applicant demonstrates that the criteria set out in MICC 19.15.020(G)(4), and any additional variance criteria set out in the code section under which the permit would be issued, are satisfied.

B. Deviation.

- 1. An applicant may request a deviation only from those numeric standards that have been specifically designated as being subject to a deviation.
- 2. A deviation may be granted if the applicant demonstrates that the criteria set out in MICC 19.15.020(G)(5), and any additional deviation criteria set out in the code section under which the permit would be issued, are satisfied.

1 Chapter 19.02
2 RESIDENTIAL

3
4 **19.02.005 Purpose and applicability.**

5 A. Purpose. The purpose of the residential chapter is to identify land uses and to establish development
6 standards that are appropriate within the residential zoning designations. The development standards
7 provide a framework for a site to be developed consistent with the policy direction of the adopted
8 Mercer Island Comprehensive Plan.

9
10 B. Applicability.

- 11 1. The provisions of this chapter shall apply to all development proposals in the R-8.4, R-9.6, R-
12 12, and R-15 zoning designations.
13 2. Unless otherwise indicated in this chapter, the applicant shall be responsible for the
14 initiation, preparation, and submission of all required plans or other documents prepared in
15 support of or necessary to obtain a permit and to determine compliance with this chapter.

16
17 **19.02.010 Single-family.**

18 ...

19
20
21 ~~D. Building Height Limit. No building shall exceed 30 feet in height above the average building elevation~~
22 ~~to the top of the structure except that on the downhill side of a sloping lot the building may extend to a~~
23 ~~height of 35 feet measured from existing grade to the top of the exterior wall facade supporting the roof~~
24 ~~framing, rafters, trusses, etc.; provided, the roof ridge does not exceed 30 feet in height above the~~
25 ~~average building elevation. Antennas, lightning rods, plumbing stacks, flagpoles, electrical service leads,~~
26 ~~chimneys and fireplaces and other similar appurtenances may extend to a maximum of five feet above~~
27 ~~the height allowed for the main structure.~~

28
29 The formula for calculating average building elevation is as follows:

30
31 Formula:

32
33 ~~Average Building Elevation = (Mid-point Elevation of Individual Wall Segment) x (Length of Individual~~
34 ~~Wall Segment) ÷ (Total Length of Wall Segments)~~

35
36 See Appendix G, Calculating Average Building Elevation.

37
38 ~~E. Gross Floor Area.~~

- 39
40 ~~1. The gross floor area of a single family structure shall not exceed 45 percent of the lot~~
41 ~~area.~~

1 ~~2. Lots created in a subdivision through MICC 19.08.030(G), Optional Standards for~~
2 ~~Development, may apply the square footage from the open space tract to the lot area not to~~
3 ~~exceed the minimum square footage of the zone in which the lot is located.~~

4
5
6 **19.02.020 Lot requirements**Development Standards.

7 A. Minimum Net Lot Area.

8
9 R-8.4: The net lot area shall be at least 8,400 square feet. Lot
10 width shall be at least 60 feet and lot depth shall be at
11 least 80 feet.

12
13 R-9.6: The net lot area shall be at least 9,600 square feet. Lot
14 width shall be at least 75 feet and lot depth shall be at
15 least 80 feet.

16
17 R-12: The net lot area shall be at least 12,000 square feet. Lot
18 width shall be at least 75 feet and lot depth shall be at
19 least 80 feet.

20
21 R-15: The net lot area shall be at least 15,000 square feet. Lot
22 width shall be at least 90 feet and lot depth shall be at
23 least 80 feet.

24
25 1. Minimum net lot area requirements do not apply to any lot that came into existence before
26 September 28, 1960; ~~however structures may be erected on the lot only if those structures~~
27 ~~comply with all other restrictions governing the zone in which the lot is located.~~ In order to be
28 used as a building site, lots that do not meet minimum net lot area requirements shall comply
29 with MICC 19.01.050(G)(3).

30
31 2. In determining whether a lot complies with the minimum net lot area requirements, the
32 following shall be excluded: the area between lateral lines of any such lot and any part of such
33 lot which is part of a street.

34
35 B. Street Frontage. No building will be permitted on a lot that does not front onto a street acceptable to
36 the city as substantially complying with the standards established for streets.

37
38 C. Yard Requirements.

39
40 1. Minimum. Except as otherwise provided in this section, each lot shall have front, rear, and
41 side yards not less than the depths or widths following:

42
43 a. Front yard depth: 20 feet or more.
44

b. Rear yard depth: 25 feet or more.

c. Side yards shall be provided as follows:

i. Total depth:

(1) For lots with a lot width of 90 feet or less, the sum of the side yards depth shall be at least 15 feet.

(2) For lots with a lot width of more than 90 feet, the sum of the side yards depth shall be a width that is equal to at least 17 percent of the lot width.

ii. Minimum side yard depth:

(1) The minimum side yard depth abutting an interior lot line is 5 feet or 33% of the aggregate side yard total depth, whichever is greater.

(2) The minimum side yard depth abutting a street is 5 feet.

iii. Variable side yard depth requirement: For lots with an area of 6,000 square feet or more, the minimum side yard depth abutting an interior lot line shall be the greater of the minimum side yard depth required under subsection "ii." above, or as follows:

(1) Single family dwellings shall provide a minimum side yard depth of 7.5 feet if the building:

a. For non-gabled roof end buildings, the height is more than 15 feet measured from existing or finished grade, whichever is lower, to the top of the exterior wall facade adjoining the side yard, or;

b. For gabled roof end buildings, the height is more than 18 feet measured from existing or finished grade, whichever is lower, to the top of the gabled roof end adjoining the side yard.

(2) Single family dwellings with a height of more than 25 feet measured from the finished grade to the top of the exterior wall facade adjoining the side yard, shall provide a minimum side yard depth of 10 feet.

~~depth: The sum of the side yards shall be at least 15 feet; provided, no side yard abutting an interior lot line shall be less than five feet, and no side yard abutting a street shall be less than 10 feet.~~

2. Yard Determination.

a. Front Yard. The front yard is the yard abutting an improved street from which the lot gains primary access or the yard abutting the entrance to a building and extending the full width of the lot. If this definition does not establish a front yard setback, the code official shall establish the front yard based upon orientation of the lot to surrounding lots and the means of access to the lot.

1 i. Waterfront Lot. On a waterfront lot, regardless of the location of access to the
2 lot, the front yard may be measured from the property line opposite and
3 generally parallel to the ordinary high water line.
4

5 b. Rear Yard. The rear yard is the yard opposite the front yard. The rear yard shall
6 extend across the full width of the rear of the lot, and shall be measured between the
7 rear line of the lot and the nearest point of the main building including an enclosed or
8 covered porch. If this definition does not establish a rear yard setback for irregular
9 shaped lots, the code official may establish the rear yard based on the following
10 method: The rear yard shall be measured from a line or lines drawn from side lot line(s)
11 to side lot line(s), at least 10 feet in length, parallel to and at a maximum distance from
12 the front lot line.
13

14 c. Corner Lots. On corner lots the front yard shall be measured from the narrowest
15 dimension of the lot abutting a street. The yard adjacent to the widest dimension of the
16 lot abutting a street shall be a side yard. If a setback equivalent to or greater than
17 required for a front yard is provided along the property lines abutting both streets, then
18 only one of the remaining setbacks must be a rear yard. This code section shall apply
19 except as provided for in MICC 19.08.030(F)(1).
20

21 d. Side Yard. Any yards not designated as a front or rear yard shall be defined as a side
22 yard.
23

24 3. Intrusions into Required Yards.

25 a. Minor Building Elements.

26 i. Except as provided in subsection "ii." below, Porches, chimney(s) and
27 fireplace extensions, window wells, and unroofed, unenclosed outside stairways
28 and decks shall not project more than three feet into any required yard. Eaves
29 shall not protrude more than 18 inches into any required yard; provided,
30 ii. No penetration shall be allowed into the minimum five-foot side yard
31 setback abutting an interior lot line except where an existing flat roofed house
32 has been built to the interior side yard setback line and the roof is changed to a
33 pitched roof with a minimum pitch of 4:12, the eaves may penetrate up to 18
34 inches into the side yard setback.
35
36

37 b. Platforms, Walks, and Driveways. Platforms, walks, stairs, and driveways not more
38 than 30 inches above existing grade or finished grade, whichever is lower, may be
39 located in any required yard.
40

41 c. Fences, Retaining Walls and Rockeries. Fences, retaining walls and rockeries are
42 allowed in required yards as provided in MICC 19.02.050.
43

d. Garages and Other Accessory Buildings. Garages and other accessory buildings are not allowed in required yards, except as provided in MICC 19.02.040.

e. Heat Pumps, Air Compressors, Air Conditioning Units, and Other Similar Mechanical Equipment. Heat pumps, air compressors, air conditioning units, and other similar mechanical equipment may be located within any required yard provided they will not exceed the maximum permissible noise levels set forth in WAC 173-60-040, which is hereby incorporated as though fully set forth herein. Any such equipment shall not be located within three feet of any lot line.

f. Architectural Features. Detached, Freestanding architectural features such as columns or pedestals that designate an entrance to a walkway or driveway and do not exceed 42 inches in height are allowed in required yards.

g. Other Structures. Except as otherwise allowed in this subsection (C)(3), structures over 30 inches in height from existing grade or finished grade, whichever is lower, may not be constructed in or otherwise intrude into a required yard.

4. Setback Deviation. The Code Official may approve a deviation to front, side, and rear setbacks pursuant to MICC 19.15.020.

~~4. Setback Deviation. On any lot with a critical area that makes it impractical to locate a building pad on the lot except by intruding into required yards, the code official shall have discretion to grant a deviation from yard setbacks for single lots, subdivisions and lot line revisions.~~

~~a. The city shall provide notice of the proposed action as required by MICC 19.15.020(D) and (E).~~

~~b. The decision to grant the deviation shall be pursuant to procedures contained in MICC 19.15.010(E) and 19.15.020(G)(5).~~

~~c. In granting any such deviation, the code official may require the submission of any reasonably necessary information.~~

~~d. Yard setbacks shall not be reduced below the following minimums:~~

~~i. Front and rear setbacks may not be reduced to less than 10 feet each;~~

~~ii. Side setbacks may not be reduced to less than five feet.~~

D. Gross Floor Area.

1. Except as provided in subsection "3." below, the gross floor area shall not exceed:

a. R-8.4: 5,000 square feet or 40% of the lot area, whichever is less.

b. R-9.6: 8,000 square feet or 40% of the lot area, whichever is less.

1 c. R-12: 10,000 square feet or 40% of the lot area, whichever is less.

2 d. R-15: 12,000 square feet or 40% of the lot area, whichever is less.

3
4 2. Gross floor area calculation. The gross floor area is the sum of the floor area(s) bounded by
5 the exterior faces of each building on a residential lot, provided:

6 a. The gross floor area shall be 150% of the floor area of that portion of a room(s) with
7 a ceiling height of 12 feet to 16 feet, measured from the floor surface to the ceiling.

8 b. The gross floor area shall be 200% of the floor area of that portion of a room(s) with
9 a ceiling height of more than 16 feet, measured from the floor surface to the ceiling.

10 c. Stair cases shall be counted as a single floor for the first two stories accessed by the
11 stair case. For each additional story above two stories, the stair case shall count as a
12 single floor area. For example, a stair case with a 10 foot by 10 foot dimension that
13 accesses three stories shall be accounted as 200 square feet (100 square feet for the
14 first two stories, and 100 square feet for the third story).

15 d. For the purposes of calculating allowable gross floor area, lots created in a
16 subdivision through MICC 19.08.030(G), Optional Standards for Development, may
17 apply the square footage from the open space tract to the lot area not to exceed the
18 minimum square footage of the zone in which the lot is located.

19
20 3. Allowances.

21 a. The gross floor area for lots with an area of 7,500 square feet or less may be the
22 lesser of 3,000 square feet or 45 percent of the lot area; and,

23
24 b. If an accessory dwelling unit is proposed, the 40 percent allowed gross floor area
25 may be increased by the lesser of 5 percentile points or the actual floor area of the
26 proposed accessory dwelling unit, provided:

27
28 i. The allowed gross floor area of accessory buildings that are not partially or
29 entirely used for an accessory dwelling unit shall not be increased through the
30 use of this provision;

31
32 ii. The lot will contains an accessory dwelling unit associated with the
33 application for a new or remodeled single family home; and

34
35 iii. The total gross floor area shall not exceed 4,500 square feet or 45% of the
36 lot area, whichever is less.

37
38 E. Building Height Limit.

39
40 1. Maximum building height. No building shall exceed 30 feet in height above the average
41 building elevation to the highest point of the roof.

42
43 2. Maximum building height on downhill building façade. The maximum building façade height
44 on the downhill side of a sloping lot shall not exceed 30 feet in height. The building façade

height shall be measured from the existing grade or finished grade, whichever is lower, at the furthest downhill extent of the proposed building, to the top of the exterior wall façade supporting the roof framing, rafters, trusses, etc.

3. Antennas, lightning rods, plumbing stacks, flagpoles, electrical service leads, chimneys and fireplaces and other similar appurtenances may extend to a maximum of five feet above the height allowed for the main structure in subsections "1." and "2." above.

4. The formula for calculating average building elevation is as follows:

Formula: Average Building Elevation = (Weighted Sum of the Mid-point Elevations) ÷ (Total Length of Wall Segments)

Where: Weighted Sum of the Mid-point Elevations = The sum of: ((Mid-point Elevation of Each Individual Wall Segment) x (Length of Each Individual Wall Segment))

For example for a house with 10 wall segments:

(Axa) + (Bxb) + (Cxc) + (Dxd) + (Exe) + (Fxf) + (Gxg) + (Hxh) + (Ixi) + (Jxj)

a + b + c + d + e + f + g + h + i + j

Where: A, B, C, D... = The existing or finished ground elevation, whichever is lower, at midpoint of wall segment.

And: a, b, c, d... = The length of wall segment measured on outside of wall.

F. Lot Coverage – Single family dwellings.

1. Applicability. This section shall apply to the development of single family dwellings including, but not limited to, the remodeling of existing single family dwellings and construction of new single family dwellings. This section does not apply to regulated improvements.

2. Landscaping objective.

a. To ensure that landscape design reinforces the natural and wooded character of Mercer Island, complements the site, the architecture of site structures and paved areas, while maintaining the visual appearance of the neighborhood.

b. To ensure that landscape design is based on a strong, unified, coherent, and aesthetically pleasing landscape concept.

c. To ensure that landscape plantings, earth forms, and outdoor spaces are designed to provide a transition between each other and between the built and natural environment.

d. To ensure suitable natural vegetation and landforms, particularly mature trees and topography, are preserved where feasible and integrated into the overall landscape design. Large trees and tree stands should be maintained in lieu of using new plantings.

e. To ensure planting designs include a suitable combination of trees, shrubs, groundcovers, vines, and herbaceous material; include a combination of deciduous and evergreen plant material; emphasize native plant material; provide drought tolerant species; and exclude invasive species.

3. Lot coverage - landscaping required.

a. Minimum area required. Development proposals for single family dwellings shall comply with the following standards based on the net lot area:

<u>Lot Slope</u>	<u>Maximum Lot Coverage (house, driving surfaces, and accessory buildings)</u>	<u>Required Landscaping Area</u>
<u>Less than 15%</u>	<u>40%</u>	<u>60%</u>
<u>15% to less than 30%</u>	<u>35%</u>	<u>65%</u>
<u>30% to 50%</u>	<u>30%</u>	<u>70%</u>
<u>Greater than 50% slope</u>	<u>20%</u>	<u>80%</u>

b. Hardscape.

i. A maximum of 9 percent of the net lot area may consist of hardscape improvements including, but not limited to, walkways, decks, etc, and provided: (1) The hardscape for lots with a net lot area of 8,400 square feet or less may be the lesser of 755 square feet or 12 percent of the net lot area.

ii. Hardscape improvements are also permitted in the maximum lot coverage area established in subsection "a." above.

c. Softscape and driveways.

i. The required landscaping area in subsection "a." above, shall consist of softscape improvements, except where used for hardscape improvements pursuant to section "b.", above.

ii. Driveways and other driving surfaces are prohibited within the landscaping area.

For example, a flat lot with a net area of 10,000 square feet shall provide a minimum 6,000 square feet of landscaped area. Up to 900 square feet of the landscaped area may be used for a walkway, patio, or deck or other hardscape area. The remainder of the area shall be used for softscape improvements, such as landscaping, tree retention, etc.

d. Development proposals for a new single family home shall remove Japanese Knotweed (*Polygonum cuspidatum*) and Regulated Class A, Regulated Class B, and Regulated Class C weeds identified on the King County Noxious Weed list, as amended, from required landscaping areas established pursuant to section "a." above. New landscaping associated with new single family home shall not incorporate any weeds identified on the King County Noxious Weed list, as

1 amended. Provided that removal shall not be required if the removal will result in
2 the increased slope instability or risk of landslide or erosion.

3 e. Allowed adjustments. A one-time reduction in required landscaping area and an
4 increase in the maximum lot coverage is allowed, provided:

5 i. The total reduction in the required landscaping area shall not exceed five (5)
6 percentile points, and the total increase in the maximum lot coverage shall
7 not exceed five (5) percentile points; and

8 ii. The reduction in required landscaping area and increase in maximum lot
9 coverage is associated with:

10 1. A development proposal that will result in a single-story single
11 family dwelling with a wheelchair accessible entry path, and may
12 also include a single-story accessory building; or,

13 2. A development proposal on a flag lot that, after optimizing driveway
14 routing and minimizing driveway width, requires a driveway that
15 occupies more than 25% of the otherwise allowed lot coverage
16 area. The allowed reduction in the required landscaping area and
17 increase in maximum lot coverage shall not exceed 5%, or the area
18 of the driveway in excess of 25% of the lot coverage, whichever is
19 less.

20 For example, a development proposal with a driveway that occupies
21 27% of the otherwise allowed lot coverage, may increase the total
22 lot coverage by 2%; and

23 iii. A recorded notice on title, covenant, easement, or other documentation in
24 a form approved by the city, shall be required. The notice on title or other
25 documentation shall describe the basis for the reduced landscaping area
26 and increased lot coverage.

27
28 3. Deviation. The code official may grant a deviation, allowing an additional five percent of lot
29 coverage over the maximum requirements; provided, the applicant demonstrates through the
30 submittal of an application and supporting documentation that the proposal meets one of the
31 following criteria:

32
33 a. The proposal uses preferred practices, outlined in MICC 19.09.100, which are
34 appropriate for the lot; or

35
36 b. The lot has a unique shape or proportions (i.e., a flag lot, with a circuitous driveway
37 corridor); or

38
39 c. The proposal minimizes impacts to critical areas and provides the minimum extent
40 possible for the additional impervious surfaces.

41
42 The city shall provide notice for the proposed action as required by MICC 19.15.020(D) and (E),
43 Administration.

1 4. Variance. Public and private schools, religious institutions, private clubs and public facilities in
2 single-family zones with slopes of less than 15 percent may request a variance to increase the
3 impervious surface to a maximum 60 percent impervious surface and such variance application
4 will be granted if the hearing examiner determines that the applicant has demonstrated that the
5 following criteria are satisfied:
6

7 a. There will be no net loss of pervious surface from the existing pervious surface. No net loss
8 will be determined by the code official and may be achieved by off site mitigation and/or by
9 reconstructing existing parking areas to allow stormwater penetration. This replacement will be
10 an exception to subsection (D)(2)(b) of this section prohibiting parking areas from being
11 considered as pervious surfaces;

12
13 b. All stormwater discharged shall be mitigated consistent with the most recent Washington
14 State Department of Ecology Stormwater Management Manual for Western Washington,
15 including attenuation of flow and duration. Mitigation will be required for any and all new and
16 replaced impervious surfaces. In designing such mitigation, the use of a continuous simulation
17 hydrologic model such as KCRTS or WWHM shall be required; event based models will not be
18 allowed. In addition, mitigation designs shall utilize flow control best management practices
19 (BMPs) and low impact development (LID) techniques to infiltrate, disperse and retain
20 stormwater on site to mitigate the increased volume, flow and pollutant loading to the
21 maximum extent feasible;

22
23 c. The director must approve a storm drainage report submitted by the applicant and prepared
24 by a licensed civil engineer assuring the city that city infrastructure, in concert with the project
25 design, is adequate to accommodate storm drainage from the project site, or identifying
26 appropriate improvements to public and/or private infrastructure to assure this condition is
27 met, at the applicant's expense;

28
29 d. A deviation under subsection (D)(3) of this section may not be combined to exceed this
30 maximum 60 percent impervious surface coverage;

31
32 e. The hearing procedures and public notice requirements set forth in MICC 19.15.020 shall be
33 followed in connection with this variance proceeding.
34

35 GE. Parking.

36
37 1. Applicability. Subsection "2." below shall apply to all new construction and remodels where
38 more than 40 percent of the length of the structure's external walls have been intentionally
39 structurally altered.

40 2. Parking required.

41 a. Each single-family dwelling with a gross floor area of 3,000 square feet or more shall
42 have at least three parking spaces sufficient in size to park a passenger automobile;
43 provided, at least two of the stalls shall be covered stalls.

b. Each single-family dwelling with a gross floor area of less than 3,000 square feet shall have at least ~~three~~two parking spaces sufficient in size to park a passenger automobile; provided, at least ~~two~~one of the stalls shall be a covered stalls.

~~This provision shall apply to all new construction and remodels where more than 40 percent of the length of the structure's external walls have been intentionally structurally altered;~~

3. ~~however, n~~No construction or remodel shall reduce the number of parking spaces on the lot below the number existing prior to the project unless the reduced parking still satisfies the requirements set out above.

4. ~~2.~~ Except as otherwise provided in this chapter, 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 Appendix A of this development code.

HF. Easements. Easements shall remain unobstructed.

1. Vehicular Access Easements. No structures shall be constructed on or over any vehicular access easement. A minimum ~~510~~-foot yard setback from the edge of any easement that affords or could afford vehicular access to a property is required for all structures; provided, that improvements such as gates, fences, rockeries, retaining walls and landscaping may be installed within the ~~105~~-foot yard setback so long as such improvements do not interfere with emergency vehicle access or sight distance for vehicles and pedestrians.

2. Utility and Other Easements. No structure shall be constructed on or over any easement for water, sewer, storm drainage, utilities, trail or other public purposes unless it is permitted within the language of the easement or is mutually agreed in writing between the grantee and grantor of the easement.

I. Large lots. The intent of this section is to ensure that the construction of a single family dwelling on a large lot does not preclude compliance with applicable standards related to subdivision or short subdivision of the large lot. Prior to approval of a new single family dwellings and associated site improvements, accessory buildings, and accessory structures on large lots, the applicant shall complete one of the following:

1. Design for future subdivision. The proposed site design that shall accommodate potential future subdivision of the lot as follows:

a. The proposed site design shall comply with the applicable design requirements of Chapters 19.08 Subdivision, 19.09 Development, and 19.10 Trees MICC.

b. The proposed site design shall not result in a circumstance that would require the removal of trees identified for retention, as part of a future subdivision.

c. The proposed site design shall not result in a circumstance that would require modifications to wetlands, watercourses, and associated buffers as part of a future subdivision.

d. Approval of a site design that could accommodate a potential future subdivision does not guarantee approval of such future subdivision, nor does it confer or vest any rights to a future subdivision.

2. Subdivide. Prior to application for a new single family dwelling, the property is subdivided or short platted to create all potential lots and building pads permitted by zoning. The proposed single family dwelling shall be located on a lot and within a building pad resulting from a recorded final plat.

3. Limit subdivision. Record a notice on title, or execute a covenant, easement, or other documentation approved by the city, prohibiting further subdivision of the large lot for a period of five (5) years from the date of final inspection or certificate of occupancy.

J. Building Pad. New buildings shall be located within a building pad established pursuant to Chapter 19.09 MICC. Intrusions into yard setbacks authorized pursuant to MICC 19.02.020(C)(3) may be located outside of the boundaries of the building pad.

...

19.02.040 Garages, ~~and other accessory buildings,~~ and accessory structures.

A. Accessory buildings, including garages, are not allowed in required yards except as herein provided.

B. Attached Accessory Building. An attached accessory building shall comply with the requirements of this code applicable to the main building.

C. Detached Accessory Buildings and Accessory Structures.

1. Gross Floor Area.

a. The combined total gross floor area for one or more accessory building(s) shall not exceed 25 percent 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 4,000 square feet, the combined total gross floor area for all accessory buildings is 1,000 square feet.

b. 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).

2. Height.

a. Detached accessory buildings, except for buildings that contain an accessory dwelling unit, are limited to a single story and shall not exceed 17 feet in height above the

1 average building elevation computed from existing grade or finished grade, whichever is
2 lower, to the highest point of the roof. Average building elevation is calculated using
3 the methodology established in MICC 19.02.020(E)(4).

4
5 b. Detached accessory buildings that are entirely or partially used for an accessory
6 dwelling unit, shall meet the height limits established for the primary building.

7
8 3. Detached A accessory buildings are not allowed in required yard setbacks; provided, one
9 detached accessory building with a gross floor area of 200 square feet or less and a height of 12
10 feet or less may be erected in the rear yard setback. If such an accessory building is to be
11 located less than five feet from any property line, a joint agreement with the adjoining property
12 owner(s) must be executed and recorded with the King County Department of Records and
13 thereafter filed with the city.

14
15 4. Accessory structures. The maximum height of an accessory structure that is not also an
16 accessory building, shall not exceed 17 feet. The height of an accessory structure is measured
17 from the top of the structure, to the existing grade or finished grade, whichever is lower,
18 directly below the section of the structure being measured.

19
20 D. Garages and Carports. Garages and carports may be built to within 10 feet of the front property line if
21 the front yard of the lot, measured at the midpoint of the wall of the garage closest to the front yard
22 property line, is more than four feet above or below the existing grade or finished grade, whichever is
23 lower, at the point on the front property line closest to the midpoint of the wall of the garage at its
24 proposed location. The height of such garage shall not exceed 12 feet from existing grade for that
25 portion built within the front yard.

26
27 E. Pedestrian Walkways. Enclosed or covered pedestrian walkways may be used to connect the main
28 building to a garage or carport. Enclosed pedestrian walkways shall not exceed six feet in width and 12
29 feet in height calculated from finished grade or 30 feet above average building elevation, whichever is
30 less. (Ord. 08C-01 § 1; Ord. 01C-06 § 1; Ord. 99C-13 § 1).

31
32
33 **19.02.050 Fences, retaining walls and rockeries.**

34 A. Location in Required Yard. Fences, retaining walls and rockeries may be located within any required
35 yard as specified below.

36
37 B. Location in Street.

38
39 1. Fences. No fence shall be located in any improved street. Fences may be allowed in
40 unimproved public streets subject to approval of the city engineer and the granting of an
41 encroachment agreement as required by MICC 19.06.060.
42

1 2. Retaining Walls and Rockeries. Retaining walls and rockeries may be allowed in any street
2 subject to the approval of the city engineer and the granting of an encroachment agreement
3 covering any public street as required by MICC 19.06.060.
4

5 C. Height Measurement.
6

7 1. Fences / gates. The height of a fence or gate is measured from the top of the fence or gate,
8 including posts, to the existing grade or finished grade, whichever is lower, directly below the
9 section of the fence or gate being measured.
10

11 2. Retaining Walls and Rockeries. The height of a retaining wall or rockery is measured from the
12 top of the retaining wall or rockery to the existing grade or finished grade, whichever is lower,
13 directly below the retaining wall or rockery.
14

15 D. Retaining Walls and Rockeries – Requirements.
16

17 1. Building Permit. A building permit is required for retaining walls or rockeries not exempted
18 from permit by Section 105.2 of the Construction Administrative Code, Chapter 17.14 MICC.
19

20 2. Engineer. Any rockery requiring a building permit shall be designed and inspected by a
21 licensed geotechnical engineer.
22

23 3. Drainage Control. Drainage control of the area behind the rockery shall be provided for all
24 rockeries.
25

26 4. Maximum Height in Required Yard – Cut Slopes.
27

28 a. No retaining walls or rockeries, or any combination of retaining walls or rockeries, to
29 the extent used to protect a cut or cuts into existing grade within any required yard,
30 shall exceed a total of 144 inches in height.

31 b. All retaining walls and/or rockeries within a required yard shall be included in
32 calculating the maximum height of 144 inches. ~~Such retaining walls or rockeries, or~~
33 ~~combination of retaining walls or rockeries, may~~

34 c. ~~Retaining walls or rockeries may~~ be topped by a fence ~~up to 72 inches in height as~~
35 ~~provided in MICC 19.02.050(E).~~ or, if within that portion of any required yard that
36 lies within 20 feet of any improved street, by a fence up to 42 inches in height.

37 5. Maximum Height in Required Yard – Fill Slopes.
38

39 a. No retaining walls or rockeries, or any combination of retaining walls or rockeries, to
40 the extent used to raise grade and protect a fill slope, ~~shall exceed a total of 72~~
41 ~~inches in height within any required yard shall result in an increase in the finished~~
42 ~~grade by more than 72 inches at any point.~~

43 b. All retaining walls and/or rockeries within a required yard shall be included in
calculating the maximum height of 72 inches.

c. Retaining walls or rockeries may be topped by a fence as provided in MICC 19.02.050(E).

~~A fence or guardrail may be placed on top of such retaining wall or rockery, but in no event shall the combined height of the fence and any retaining wall or rockery exceed 72 inches; provided, rockeries, retaining walls, fences, or any combination thereof, are limited to a maximum height of 42 inches within that portion of any required yard which lies within 20 feet of any improved street.~~

E. Fences and gates.

1. ~~Maximum Height in~~ Fences or gates in R-required Y yard.

a. Height limits.

i. Fences, gates, or any combination of retaining walls, rockeries and fences are allowed to a maximum height of 72 inches within the required side or rear yards, except as provided in subsection (D)(4) of this section.

ii. Fences, gates, or any combination of retaining walls, rockeries and fences are allowed to a maximum height of 42 inches within required front yards.

b. Exceptions to height limits.

i. Fences within front yards may be designed to incorporate an open latticework or similar architectural feature at the entrance of a walkway, provided the total height of the entryway feature shall not exceed 90 inches. The open latticework or architectural feature shall be designed such that at least 50 percent of its total surface area consists of evenly distributed open spaces.

ii. Fences or gates located within the front yard may have a maximum height of 72 inches, provided:

1. The proposed fence or gate is located along a property line contiguous to either: Island Crest Way north of SE 53rd Place, or SE 40th Street between 92nd Avenue SE and 78th Avenue SE; and
2. The proposed fence or gate is located a minimum of 5 feet from the street property line and will be screened by landscaping designed to soften the presence of the fence; and,
3. The proposed fence or gate will not create a traffic, pedestrian, or public safety hazard.

~~All fences, retaining walls and/or rockeries within a required yard shall be included in calculating the maximum height of 72 inches; provided, fences, rockeries or retaining walls used to protect a fill, or any combination thereof, are limited to a maximum height of 42 inches within that portion of any required yard which lies within 20 feet of any improved street.~~

a. ~~Exception. Open latticework or a similar architectural feature up to 18 inches above the maximum 72 inch height allowed may be constructed, provided it is of open work design with at least 50 percent of its total surface area consisting of evenly distributed~~

~~open spaces. This exception does not apply to any fence, rockery or retaining wall, or any combination thereof, limited to a maximum height of 42 inches; however, where the height of any fence, rockery, retaining wall, or any combination thereof is limited to 42 inches, an architectural feature of open work design as described above that is limited to the entrance of a walkway may be allowed if its total height is no greater than 90 inches.~~

2. Fill/Berms. 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.

3. Shorelines. Fence, rockeries and retaining walls located within any shoreland shall also comply with Chapter 19.07 MICC.

~~F. Fence Height Deviations. Deviations from the 42-inch height limitation set out in subsections (E)(1) and (D)(5) of this section shall be reviewed in the manner set out below:~~

~~1. For nonregulated improvements, a request for a deviation up to 72 inches shall be reviewed by the code official under the following procedure:~~

~~a. The applicant shall submit to the code official two copies of plot plans and elevations, drawn to scale, showing size and construction of the proposed fence, the location of all existing structures, streets, driveways, and landscaping.~~

~~b. The code official shall review the submitted plans with the city engineer and shall base the decision to approve or disapprove the requested deviation on factors of traffic visibility and other public and private safety considerations, lot shape, location and topography, and the nature, location and extent of adjoining public and private structures.~~

~~2. For regulated improvements, deviations shall be reviewed by the design commission under the procedures and criteria set forth in MICC 19.15.040.~~

~~GF. Electric and Barbed Wire Fences. Electric fences, and barbed wire fences, or similar fences that could pose a safety risk, are not allowed.~~

~~HG. Exceptions. These provisions do not apply to fences required by state law to enclose public utilities, or to chain link fences enclosing school grounds or public playgrounds, or to screens used for safety measures in public recreation areas such as ballfields.~~

~~...~~

19.02.060 Lot Coverage – Regulated improvements.

A. Applicability. This section shall only apply to regulated improvements (for example, schools or religious buildings) in the residential zoning designations of R-8.4, R-9.6, R-12, and R-15.

B1. Maximum Impervious Surface Limits for Lots. The total percentage of a lot that can be covered by impervious surfaces (including buildings) is limited by the slope of the lot for all single-family zones as follows:

Lot Slope	Lot Coverage (limit for impervious surfaces)
Less than 15%	40%*
15% to less than 30%	35%
30% to 50%	30%
Greater than 50% slope	20%

*Public and private schools, religious institutions, private clubs and public facilities (excluding public parks or designated open space) in single-family zones with slopes of less than 15 percent may be covered by the percentage of legally existing impervious surface that existed on May 1, 2006, as determined by the code official.

C2. Exemptions. The following improvements will be exempt from the calculation of the maximum impervious surface limits set forth in subsection ~~“(D)(1B.)”~~ of this section:

a1. Decks/Platforms. Decks and platforms constructed with gaps measuring one-eighth inch or greater between the boards which provide free drainage between the boards as determined by the code official shall be exempt from the calculation of maximum impervious surface limits so long as the surface below the deck or platform is not impervious.

2b. Pavers. Pavers installed with a slope of five percent or less and covering no more than 10 percent of the total lot area will be calculated as only 75 percent impervious. Provided, however, that all pavers placed in driveways, private streets, access easements, parking areas and critical areas shall be considered 100 percent impervious.

~~**c.** Patios/Terraces. Uncovered patios/ terraces constructed of pavers shall be exempt from the maximum impervious surface limits.~~

d3. Pedestrian-Oriented Walkways. Uncovered pedestrian walkways constructed with gravel or pavers not to exceed 60 inches in width shall be exempt from the maximum impervious surface limits.

e4. Public Improvements. Open storm water retention/detention facilities, public rights-of-way and public pedestrian trails shall be exempt from the maximum impervious surface limits.

1 5f. Rockeries/Retaining Walls. Rockeries and retaining walls shall be exempt from the maximum
2 impervious surface limits.

3
4 6g. Residences for religious leaders located on properties use by places of worship.

5
6 a. A structure primarily used as a residence for a religious leader provided by its
7 congregation and located on the same lot or lots as the improvements for a church,
8 synagogue, mosque, or other place of worship, shall be exempt from the maximum
9 impervious surface limits, subject to the limitations under subsection "b." below. All
10 impervious surface areas directly and commonly associated with the residence such as,
11 but not limited to, the footprint of the residence, an attached or detached garage, a
12 patio and/or deck not otherwise exempted by MICC 19.02.0260(DC)(21)(a) and (E3), and
13 a driveway not otherwise used for general access to the place of worship, shall be
14 exempt.

15
16 b. A residence and its associated impervious improvements, as described above, may
17 only be exempted if 4,999 square feet or less or up to 20% of lot area, whichever is less.
18 For these purposes, lot area means the lot or lots on which the place of worship is
19 located.

20
21 c. Impervious surface ~~lot~~ coverage exceeding 60% shall not be allowed whether by
22 variance ~~pursuant to~~ MICC 19.02.0620(D) or by this exemption.

23
24 D. Variance. Regulated improvements in the R-8.4, R-9.6, R-12, and R-15 zoning designations may
25 request a variance to increase impervious surface pursuant to MICC 19.15.020(G).
26

1 Chapter 19.07
2 ENVIRONMENT

3
4 ...

5 **19.07.040 Review and construction requirements.**

6 ...

7 C. Setback Deviation. An applicant may seek a deviation from required front, side, and back yard
8 setbacks pursuant to MICC- ~~19.15.020~~19.02.020(C)(4).

9

10 D. Variances. Variances ~~pursuant to MICC 19.01.070~~ are not available to reduce any numeric
11 requirement of this chapter. However, the allowed alterations and the reasonable use exception
12 allowed pursuant to MICC 19.07.030 may result in city approvals with reduced numeric requirements.

13 ...

14

15

DRAFT

1 Chapter 19.08
2 SUBDIVISIONS

3
4 ...

5
6 **19.08.020 Application procedures and requirements.**

7 A. Applications for short subdivisions or alterations or vacation thereof, and lot line revisions shall be
8 reviewed by the code official. Applications for long subdivisions or alteration or vacation thereof shall
9 ~~before~~ be reviewed by the hearing examiner who shall make recommendations to the city council.

10
11 B. The code official may grant a variance, with restrictions if deemed necessary, from the four-acre
12 limitation for purpose of permitting short subdivision of property containing more than four acres into
13 four or less lots when all of the following circumstances shall be found to apply:

- 14
15 1. That there are special circumstances applicable to the particular lot, such as type of
16 ownership, restrictive covenants, physiographic conditions, location or surroundings, or other
17 factors;
18
19 2. That the granting of the variance will not result in future uncoordinated development nor
20 alter the character of the neighborhood; and
21
22 3. That granting the variance will not conflict with the general purposes and objectives of the
23 comprehensive plan or the development code.
24

25 C. Applicants shall prepare a concept sketch of the proposal for the preapplication meeting required
26 under MICC 19.09.010(A).
27

28 D. Preliminary Application Contents. In addition to any documents, information, or studies required
29 under Chapter 19.07 MICC, Critical Areas Environment, Chapter 19.10, Trees, or any other Chapter of
30 Title 19 MICC, an application for a long subdivision, short subdivision, or a lot line revision shall include
31 the documents set forth below and any other document or information deemed necessary by the code
32 official upon notice to the applicant. All documents shall be in the form specified by the code official and
33 shall contain such information as deemed necessary by the code official. The applicant shall submit the
34 number of copies of each document specified by the code official.
35

36 1. Development Application Cover Form. The development application cover form shall be
37 signed by all current property owners listed on the plat certificate, and shall list the legal parcel
38 numbers of all property involved in the project.
39

40 2. Long Subdivision, Short Subdivision, or Lot Line Revision Plan. The applicant shall provide
41 copies of fully dimensioned plans of the project prepared by a Washington registered civil
42 engineer or land surveyor, meeting the requirements of Chapter 19.07 MICC, Environment, and
43 containing any other information deemed necessary by the code official. The city engineer may
44 waive the requirement that an engineer or surveyor prepare the plans for a short subdivision or

1 lot line revision. The submitted plans shall ~~demonstrate that a~~ identify the proposed building
2 pad ~~has been designated location~~ for each proposed lot ~~per~~ pursuant to MICC 19.09.090. ~~No~~
3 ~~cross-section dimension of a designated building pad shall be less than 20 feet in width.~~

4
5 3. Plat Certificate. Applicant shall provide a plat certificate issued by a qualified title insurance
6 company not more than 30 days before filing of the application showing the ownership and title
7 of all parties interested in the plat. If the plat certificate references any recorded documents (i.e.
8 easements, dedications, covenants, etc.) copies of those documents shall also be provided.

9
10 4. Legal Documents. Applicants shall provide copies of each of the following documents (if
11 applicable):

- 12
13 a. Proposed restrictive covenants.
14
15 b. Draft deeds to the city for any land to be dedicated.
16
17 c. Proposed easements.

18
19 5. Project Narrative. Applicants shall provide a clear and concise written description and
20 summary of the proposed project.

21
22 6. Neighborhood Detail Map. Applicants shall provide copies of a map drawn at a scale specified
23 by the code official showing the location of the subject site relative to the property boundaries
24 of the surrounding parcels within approximately 1,000 feet, or approximately 2,500 feet for
25 properties over four acres. The map shall identify the subject site with a darker perimeter line
26 than that of the surrounding properties.

27
28 7. Topography Map. The applicant shall provide copies of a topographical map showing the
29 existing land contours using vertical intervals of not more than two feet, completed and signed
30 by a Washington licensed surveyor. For any existing buildings, the map shall show the finished
31 floor elevations of each floor of the building. Critical slopes exceeding 30 percent must be
32 labeled and delineated by a clearly visible hatching.

33
34 8. Detailed Grading Plan. If the grade differential on the site of the proposed project will exceed
35 24 inches and/or if the amount of earth to be disturbed exceeds 50 cubic yards, the applicant
36 shall provide copies of a detailed grading plan drawn by a Washington licensed engineer.

37
38 9. Street Profiles. The applicant shall provide copies of a street profile showing the profiles and
39 grades of each street, together with typical cross sections indicating:

- 40
41 a. Width of pavement;
42
43 b. Location and width of sidewalks, trails, bike lanes, ditches, swales, etc.; and
44

c. Location of any utility mains.

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.

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

~~E. Notice.~~

~~1. Short Subdivisions and Lot Line Revisions. Public notice of an application for a short subdivision or a lot line revision shall be made in accordance with the procedures set forth in MICC 19.15.020.~~

~~2. Long Subdivisions.~~

~~a. Public notice of a long subdivision application shall be made at least 10 days prior to the open record hearing on the application in accordance with the procedures set forth in MICC 19.15.020 for an administrative or discretionary act; provided, notice shall also be published at least 10 days prior to the hearing in a newspaper of general circulation within the city.~~

~~b. If the owner of a proposed long subdivision owns land adjacent to the proposed long subdivision, that adjacent land shall be treated as part of the long subdivision for notice purposes, and notice of the application shall be given to all owners of lots located within 300 feet of the proposed long subdivision or the applicant's adjacent land.~~

~~3. The city shall provide written notice to the Department of Transportation of an application for a long subdivision or short subdivision that is located adjacent to the right-of-way of a state highway. The notice shall include a legal description of the long subdivision or short subdivision and a location map.~~

~~E.F. 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.

2. Short Subdivisions and Lot Line Revisions. The code official shall grant preliminary approval for a short subdivision or lot line revision 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.

3. Long Subdivisions.

a. At an open record hearing the ~~planning commission~~ 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 ~~planning commission~~ hearing examiner shall make a written recommendation on the long subdivision, containing findings of fact and conclusions, to the city council not later than 14 days following action by the ~~planning commission~~ hearing examiner.

c. Upon receipt of the ~~planning commission~~ hearing examiner's recommendation, the city council shall at its next public meeting set the date for the public hearing where it may adopt or reject the ~~planning commission~~ hearing examiner's recommendations.

d. Preliminary approval of long subdivision applications shall be governed by the time limits and conditions set out in MICC 19.15.020(E); except the deadline for preliminary plat approval is 90 days, unless the applicant consents to an extension of the time period.

4. Conditions for Preliminary Approval. As a condition of preliminary approval of a project, the city council in the case of a long subdivision, or the code official in the case of a short subdivision ~~or lot line revision~~, may require the installation of plat improvements as provided in MICC 19.08.040 which shall be conditions precedent to final approval of the ~~long-subdivision, short subdivision, or lot line revision~~.

~~5. Expiration of Approval.~~

~~a. Once the preliminary plat for a long subdivision has been approved by the city, the applicant has five years to submit a final plat meeting all requirements of this chapter to the city council for approval.~~

~~b. Once the preliminary plat for a short subdivision has been approved by the city, the applicant has one year to submit a final plat meeting all requirements of this chapter. A plat that has not been recorded within one year after its preliminary approval shall expire, becoming null and void. The city may grant a single one year extension, if the~~

~~applicant submits the request in writing before the expiration of the preliminary approval.~~

~~c. In order to revitalize an expired preliminary plat, a new application must be submitted.~~

56. No Construction Before Application Approval. No construction of structures, utilities, storm drainage, grading, excavation, filling, or land clearing on any land within the proposed long subdivision, short subdivision, or lot line revision shall be allowed prior to preliminary approval of the application and until the applicant has secured the permits required under the Mercer Island City Code.

19.08.030 Design standards.

A. Compliance with Other Laws and Regulations. The proposed subdivision shall comply ~~with with~~ arterial, capital facility, and land use elements of the comprehensive plan; all other chapters of ~~the development code~~ Title 19 MICC; the Shoreline Management Act; and other applicable city, state, and federal legislation.

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.

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 ~~or lot line revision~~, 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 the criteria set out in MICC 15.09.030~~ Chapter 15.09 MICC and shall not increase likely damage to downstream or upstream facilities or properties.

1
2 3. Alternative tightline storm drains to Lake Washington shall not cause added impact to the
3 properties, and the applicant shall submit supportive calculations for storm drainage detention.
4

5 D. Streets, Roads and Rights-of-Way.
6

7 1. The width and location of rights-of-way for major, secondary, and collector arterial streets
8 shall be as set forth in the comprehensive arterial plan.
9

10 2. Public rights-of-way shall comply with the requirements set out in MICC 19.09.030.
11

12 3. Private access roads shall meet the criteria set out in MICC 19.09.040.
13

14 4. Streets of the proposed subdivision shall connect with existing improved public streets, or
15 with existing improved private access roads subject to easements of way in favor of the land to
16 be subdivided.
17

18 E. Residential Lots.
19

20 1. The area, width, and depth of each residential lot shall conform to the requirements for the
21 zone in which the lot is located. Any lot which is located in two or more zones shall conform to
22 the zoning requirements determined by the criteria set out in MICC 19.01.040(G)(2).
23

24 2. Each side line of a lot shall be approximately perpendicular or radial to the center line of the
25 street on which the lot fronts.
26

27 3. The proposed subdivision shall identify the location of building pads for each proposed lot per
28 MICC 19.09.090. No cross-section dimension of a designated building pad shall be less than 20
29 feet in width.
30

31 4. The proposed subdivision shall incorporate preferred development practices pursuant to
32 MICC 19.09.100 where feasible.
33

34 5. The proposed subdivision shall be designed to comply with the provisions of Chapter 19.10
35 MICC.
36

37
38 F. Design Standards for Special Conditions.
39

40 1. Subdivisions abutting an arterial street as shown on the comprehensive arterial plan shall be
41 oriented to require the rear or side portion of the lots to abut the arterial and provide for
42 internal access streets.
43

1 2. Where critical areas meeting the criteria set out in Chapter 19.07 MICC are present within the
2 subdivision, the code official or city council may:

- 3
4 a. Require that certain portions of the long subdivision or short subdivision remain
5 undeveloped with such restrictions shown on the official documents;
6
7 b. Increase the usual building set-back requirements; and/or
8
9 c. Require appropriate building techniques to reduce the impact of site development.

10
11 G. Optional Standards for Development. In situations where designing a ~~long subdivision or short~~
12 subdivision to the requirements of subsections A through F of this section would substantially hinder the
13 permanent retention ~~of trees; interfere with the protection critical areas of wooded or steep areas or~~
14 ~~other natural features~~; preclude the provision of parks, playgrounds, or other noncommercial
15 recreational areas for neighborhood use and enjoyment; or ~~would~~ negatively impact the physiographic
16 features and/or existing ground cover of the subject area, the applicant may request that the project be
17 evaluated under the following standards:

- 18
19 1. The use of the land in the long subdivision or short subdivision shall be one permitted in the
20 zone in which the long subdivision or short subdivision is located.
21
22 2. The number of lots shall not exceed the number that would otherwise be permitted within
23 the area being subdivided, excluding the shorelands part of any such lot and any part of such lot
24 that is ~~part of~~ located in a street.
25
26 3. An area suitable for a private or public open space tract shall be set aside for such use.
27
28 4. The lots may be of different areas, but the minimum lot area, minimum lot width, and
29 minimum lot depth shall each be at least 75 percent of that otherwise required in the zone in
30 which the long subdivision or short subdivision is located. In no case shall the lot area be less
31 than 75 percent of that otherwise required in the zone. Lot size averaging must be incorporated
32 if lot width or depth requirements are 75 percent of the minimum that would otherwise be
33 required for the zone without utilizing the optional development standards. Any designated
34 open space or recreational tract shall not be considered a lot.
35
36 5. The ownership and use of any designated open space or recreational tract, if private, shall be
37 shared by all property owners within the long subdivision or short subdivision. In addition, a
38 right of entry shall be conveyed to the public to be exercised at the sole option of the city
39 council if such area shall cease to be an open space or recreational tract.
40
41 6. The open space or recreational tract must remain in its approved configuration and be
42 maintained in accordance with approved plans. Any deviation from the foregoing conditions
43 must receive expressed approval from the ~~planning commission~~ Hearing Examiner.
44

1
2 **19.08.040 Plat improvements.**

3 A. Streets, Utilities and Storm Drainage. ~~The long subdivision, short-A subdivision, or lot line revision~~
4 shall include provisions for streets, water, sanitary sewers, storm drainage, utilities and any easements
5 or facilities necessary to provide these services. All utilities shall be placed underground unless waived
6 by the city engineer. Detailed plans for these provisions shall not be required until after the approval of
7 the preliminary plat and shall be a condition precedent to the official approval of the subdivision.
8

9 B. Performance Bond. The owner(s) of a project shall deposit with the city a performance bond or funds
10 for a set-aside account in an amount equal to 150 percent of the cost of the required improvements, as
11 established by the city engineer. Such security shall list the exact work that shall be performed by the
12 owner(s) and shall specify that all of the deferred improvements shall be completed within the time
13 specified by the city engineer, and if no time is so specified, then not later than one year. The city may
14 also require a bond or set-aside account securing the successful operation of improvements or survival
15 of required landscaping for up to two years after final approval.
16

17 C. Site Supervision. Any and all services performed by city employees in field inspection of construction
18 of plat improvements, clearing, and/or grading processes, shall be charged to the developer at 100
19 percent of direct salary cost, plus 35 percent of such cost for overhead. Any outside consultants retained
20 by the city to evaluate any phase of plat design or construction shall be charged at actual cost, plus any
21 additional administrative costs. Billings tendered to the owner(s) shall be payable within 30 days.
22

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

- 24 1. Limit the construction project to a specific seasonal time period.
- 25
- 26 2. Prevent land clearing, grading, filling, and foundation work on lots with critical slopes or
- 27 geologic hazard areas between October 1 and April 1, as set out in MICC 19.07.020; and
- 28
- 29 3. Require short term soil and drainage control measures such as, but not limited to: hemping,
- 30 seeding, gravel or light asphalt base roads, temporary siltation and detention ponds. (Ord. 99C-
- 31 13 § 1).
- 32
- 33
- 34

35 **19.08.050 Final plats.**

36 ...
37

38
39 C. Contents of the Final Plat. All final plats submitted to the city shall meet the requirements set out in
40 Chapter 58.09 RCW, Chapter 332-130 WAC, and those requirements set out below.
41

42 Final plat documents submitted to the city shall ~~consist of one mylar and one copy~~ containing the
43 information set out below. The ~~mylar and copy~~ final plat documents shall be drawn on a 18 inches by 24
44 inches in-sheet size, allowing one-half inch for borders. ~~if more than one sheet is required for the mylar~~

1 ~~and copy, each sheet, including the index sheet, shall be the specified size.~~ The index sheet must show
2 the entire subdivision, with street and highway names and block numbers.
3

4 1. Identification and Description.

5
6 a. Name of the long subdivision, short subdivision or lot line revision.

7
8 b. A statement that the long subdivision or short subdivision has been made with the
9 free consent and in accordance with the desires of the owner or owners.

10
11 c. Location by section, township and range, or by other legal description.

12
13 d. The name and seal of the registered engineer or the registered land surveyor.

14
15 e. Scale shown graphically, date and north point. The scale of the final plat shall be such
16 that all distances and bearings can be clearly and legibly shown thereon in their proper
17 proportions. Where there is a difference between the legal and actual field distances
18 and bearings, both distances and bearings shall be shown with the field distances and
19 bearings shown in brackets.
20

21 f. A description of property platted which shall be the same as that recorded in
22 preceding transfer of said property or that portion of said transfer covered by plat.
23 Should this description be cumbersome and not technically correct, a true and exact
24 description shall be shown upon the plat, together with original description. The correct
25 description follow the words: "The intent of the above description is to embrace all the
26 following described property."
27

28 g. A vicinity map showing the location of the plat relative to the surrounding area.
29

30 2. Delineation.

31
32 a. Boundary plat, based on an accurate traverse, with angular and lineal dimensions.
33

34 b. Exact location, width, and name of all streets within and adjoining the plat, and the
35 exact location and widths of all roadways, driveways, trail easements. The name of a
36 street shall not duplicate that of any existing street in the city, unless the platted street
37 be a new section or continuation of the existing street.
38

39 c. True courses and distances to the nearest established street lines or official
40 monuments which shall accurately describe the location of the plat.
41

42 d. Municipal, township, county or section lines accurately tied to the lines of the
43 subdivision by courses and distances.
44

1 e. Radii, internal angles, points of curvature, tangent bearings and lengths of all arcs.
2

3 f. All easements for rights-of-way provided for public services or utilities. Utility
4 easements shall be designated as public or private.
5

6 g. All lot and block numbers and lines, with accurate dimensions in feet and hundredths.
7 Blocks in numbered additions to subdivisions bearing the same name may be numbered
8 or lettered consecutively through the several additions. The square footage for each lot
9 less vehicular easements shall be shown.
10

11 h. Accurate location of all monuments, which shall be concrete commercial monuments
12 four inches by four inches at top, six inches by six inches at bottom, and 16 inches long.
13 One such monument shall be placed at each street intersection and at locations to
14 complete a continuous line of sight and at such other locations as are required by the
15 engineer.
16

17 i. All plat meander lines or reference lines along bodies of water shall be established
18 above the ordinary high water line of such water.
19

20 j. Accurate outlines and legal description of any areas to be dedicated or reserved for
21 public use, with the purpose indicated thereon and in the dedication; and of any area to
22 be reserved by deed covenant for common uses of all property owners.
23

24 k. Critical areas as identified under Chapter 19.07 MICC.
25

26 l. Corner pins made of rebar with caps.
27

28 m. Designated building pads pursuant to MICC 19.09.090.
29

30 3. Other Marginal Data on Final Plat.
31

32 a. If the plat is subject to dedications to the city or any other party, the dedications shall
33 be shown and shall be duly acknowledged. The plat shall also contain a waiver of all
34 claims for damages against the city which may be occasioned to the adjacent land by
35 the established construction, drainage and maintenance of any streets dedicated to the
36 city.
37

38 b. A copy of the protective covenants, if any.
39

40 c. Certification by Washington registered civil engineer or land surveyor to the effect
41 that the plat represents a survey made by that person and that the monuments shown
42 thereon exist as located and that all dimensional and geodetic details are correct.
43

1 d. Proper forms for the approvals of the city engineer and the mayor, on behalf of the
2 city council, in the case of a long subdivision; or the city engineer and the code official in
3 the case of short subdivisions or lot line revisions, with space for signatures.
4

5 e. Certificates by the county assessor showing that the taxes and assessments on the
6 land to be submitted have been paid in accordance with law, including a deposit for the
7 taxes for the following year.
8

9 f. Approval by the county department of records.
10

11 g. Conditions of approval created at preliminary subdivision approval that affect
12 individual lots or tracts.
13

14 ...
15
16

DRAFT

1 Chapter 19.09
2 PROPERTY DEVELOPMENT

3
4 **19.09.040 Private access roads and driveways.**

5 A. The following are the minimum requirements for private access roads. To accommodate fire
6 suppression and rescue activities, the Mercer Island fire chief may require that the widths of private
7 access roads or driveways or the size of turn-arounds be increased or that turn-arounds be provided
8 when not otherwise required by this section.

9
10 B. All private access roads serving three or more single-family dwellings shall be at least 20 feet in width.
11 All private access roads serving ~~less than two~~ three single-family dwellings shall be at least 16 feet in
12 width, with at least 12 feet of that width consisting of pavement and the balance consisting of well
13 compacted shoulders.

14
15 C. All corners shall have a minimum inside turning radius of 28 feet.

16
17 D. All private access roads in excess of 150 feet in length, measured along the centerline of the access
18 road from the edge of city street to the end of the access road, shall have a turn-around with an inside
19 turning radius of 28 feet.

20
21 E. All cul-de-sacs shall be at least 70 feet in diameter; provided, cul-de-sacs providing access to three or
22 more single-family dwellings shall be at least 90 feet in diameter.

23
24 F. Driveways serving one single family dwelling shall be at least 8 feet in width. Driveways providing
25 vehicle access to parking for regulated improvements shall comply with the parking lot dimension
26 requirements of Appendix A.

27
28 ~~FG.~~ Gradient.

29
30 1. No access road or driveway shall have a gradient of greater than 20 percent.

31
32 2. For all access roads and driveways with a gradient exceeding 15 percent, the road surface
33 shall be cement concrete pavement with a brushed surface for traction. Access roads and
34 driveways with gradients of 15 percent or less may have asphalt concrete surface.

35
36 ...

37
38 **19.09.090 Building pad.**

39 A. Designation. New subdivisions ~~must~~ shall designate a building pad for each lot as follows:

- 40
41 1. The ~~applicant must determine the~~ building pad shall be located to minimize or prevent
42 impacts as indicated in the following: location of a building pad by considering
43 a. Removal of trees and vegetation required for retention pursuant to Chapter 19.10
44 MICC shall be prevented;-

- ~~b. -Disturbance of the existing, natural topography as a result of anticipated development within the building pad shall be minimized;~~
- ~~c. Impacts to critical areas and critical area buffers shall be minimized, consistent with the provisions of Chapter 19.07 MICC;~~ and,
- ~~the relationship of the proposed building pad to existing/proposed homes.~~
- a. Access to the building pad ~~must shall~~ be consistent with the standards ~~for driveway access~~ contained in MICC 19.09.040.

2. Building pads shall not be located within:

- a. ~~Required front, rear, or side yard setbacks;~~
- b. ~~Streets or rights of way; and; yard setbacks, rights-of-way and~~
- c. ~~Critical areas or its buffers; provided, however,~~ building pads may be located within ~~landslide geohazard~~ hazard areas when all of the following are met: {
 - i. ~~a) A~~ a qualified professional determines that the criteria of MICC 19.07.060(D), Site Development, is satisfied; ~~(b)~~
 - ii. ~~b) B~~ Building pads are sited to minimize impacts to the extent ~~reasonably~~ feasible; and
 - ii. ~~(c) c) B~~ 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.

3. No cross-section dimension of a building pad shall be less than 20 feet in width.

B. No Designated Building Pad ~~Area~~.

- 1. ~~New development proposals on a lot On lots~~ without a ~~previously~~ designated building pad area, ~~development shall be located shall establish a building pad outside of critical areas unless otherwise allowed by Chapter 19.07 MICC. consistent with the provisions of MICC 19.09.090(A) above.~~
- 2. ~~A building pad on a large lot shall also comply with the provisions of 19.02.020(I).~~

C. New buildings shall be located within the building pad established by subsection "A." or "B." above.

19.09.100 Preferred practices.

~~The applicant must use reasonable best efforts to comply with Proposed development shall incorporate all of the following preferred development practices where feasible:~~

- A. Use common access drives and utility corridors.
- B. 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.

1
2
3
4
5

C. Retaining walls should be designed to minimize grading, including the placement of fill, on or near an existing natural slope ~~used to maintain existing natural slopes in place of graded artificial slopes.~~

DRAFT

1 Chapter 19.10
2 TREES

3
4 **19.10.005 Purpose.**

5 Protecting, enhancing, and maintaining trees are key community values expressed in the Mercer Island
6 Comprehensive Plan. The purpose of this chapter is to encourage building and site design to minimize
7 tree removal, and to establish standards and procedures that will result in the retention of trees on
8 Mercer Island.

9
10 The city recognizes that trees:

- 11 A. Contribute to the residential character on Mercer Island;
- 12 B. Provide a public health benefit;
- 13 C. Provide wind protection, ecological benefits to wetlands and watercourses, and aid in the
14 stabilization of geologically hazardous areas;
- 15 D. Improve surface water quality and control and benefit Lake Washington; and,
- 16 E. Reduce noise and air pollution.

17
18 The city further acknowledges that the value of protecting, enhancing, and maintaining trees should be
19 balanced with the other community goals of:

- 20 F. Reasonable enjoyment and use of private property by the property owner; and,
- 21 G. Providing delivery of reliable utility service.

22
23 **19.10.010 Tree Code – Overview.**

24 This section is intended to provide an overview of the tree regulations contained in this Chapter 19.10
25 MICC.

- 26 A. Generally, a permit is required to remove any tree with a diameter of greater than 10 inches (see
27 sections 19.10.020 and 19.10.030 for details).
- 28 B. Non-development tree removal. If the tree is being removed for reasons other than development
29 (for example, if the tree is coming out because a property owner is landscaping their yard), then:
 - 30 1. A simple application is required. The application shows the location of trees on the
31 property, the tree(s) to be removed, and where re-planting will occur (see section
32 19.10.090(A) – General Information, for details).
 - 33 2. Replacement trees are required for the tree(s) removed; typically between October 1
34 and April 1 following removal (see section 19.10.070 for details).
- 35 C. Development tree removal. If the tree is being removed as part of a development (for example, to
36 allow for construction of a new home), then:
 - 37 1. A full application is required. The application provides details on the trees on site, the
38 removed trees, and the proposed protection measures for trees that will remain (see
39 section 19.10.090 for details).
 - 40 2. Retention of some trees is required. At a minimum, 30% of the trees will need to be
41 retained. Trees that are exceptional, are large, and have a high likelihood for long term
42 survival are prioritized for retention (see section 19.10.060 for details).
 - 43 3. Replacement trees are required for the tree(s) removed; typically between October 1
44 and April 1 following removal (see section 19.10.070 for details).

1
2
3 **19.10.020 Applicability and Permit required.**

4 A. Applicability. The provisions of this chapter shall apply to all property and public rights-of-way in the
5 City.

6 B. Permit required. A permit approval is required prior to removing any tree, except for trees that are
7 exempt pursuant to MICC 19.10.030.

8 1. Permit approval to remove one or more non-hazardous trees may take the form of a tree
9 removal permit or other construction permit approval.

10 2. Permit approval to remove one or more trees that pose an imminent threat to life or property in
11 which event the permit must be applied for within fourteen (14) days of the removal. Permit
12 applications should be accompanied by documentation of the imminent threat to life or
13 property, ideally in the form of a report by a qualified arborist, or a photograph of the tree. Prior
14 notice of the impending tree removal should be provided to the City.

15 3. For the purposes of this section, tree removal includes the cutting or removing directly or
16 indirectly through site grading of any tree, or root destruction that will result in a tree ultimately
17 becoming a hazardous tree.

18
19 **19.10.030 Exemptions.**

20 Except where undertaken within critical areas and associated buffers, or on public property, the
21 following activities are exempt from the permitting, replacement, retention, and protection provisions
22 of this chapter:

23 A. Small tree removal. Removal of trees with a diameter of less than ten (10) inches that meet the
24 definition of small trees, except if the small tree is an exceptional tree, as defined, or was previously
25 planted as a replacement tree.

26 B. Removal of species identified in the weeds of concern, noxious, or invasive weed lists established by
27 Washington State or King County, as amended.

28 C. Tree pruning. Tree pruning, as defined in MICC 19.16.010, on private property.
29

30 **19.10.040 General Provisions.**

31 A. Relationship with Other Mercer Island Codes and Ordinances. In addition to any requirements
32 under this Chapter 19.10, the removal or pruning of any tree located within a critical area, critical
33 area buffer or the shoreline jurisdiction shall comply with the requirements of Chapter 19.07 MICC.
34 The City arborist may require additional information in order to confirm compliance with those
35 requirements.

36 B. Public property.

37 1. A private property owner may apply for a tree permit to prune or cut trees on any city street,
38 pursuant to MICC 19.10.100.

39 2. Pruning or cutting of trees within a public park by a private property owner is prohibited.

40 C. Private utility companies. A tree permit will be issued to private utility companies to cut trees
41 located on public or private property if necessary for public safety, removal of hazardous trees,
42 removal of diseased or dead trees, as part of any private utility tree maintenance program approved
43 by the city, or for construction work. Regardless of whether or not a permit is required, all cutting

1 or pruning of trees by private utility companies shall be performed under the supervision of a
2 certified arborist and at the sole cost and expense of the utility company.

3
4 **19.10.050 Tree removal – Not associated with a development proposal.**

5 A. Tree removal that is not associated with a development proposal shall provide replacement trees
6 (MICC 19.10.070), but is exempt from tree retention (MICC 19.10.060).

7 B. An application for tree removal that is not associated with a development proposal, shall provide
8 the application information described under 19.10.090(A) – General Information.

9 C. This section shall not be construed as an exemption to the tree retention and replacement
10 requirements of Chapter 19.07 MICC.

11
12 **19.10.060 Tree removal - Associated with a development proposal.**

13 A. Single family zoning designations.

14 1. In the R-8.4, R-9.6, R-12, and R-15 zoning designations, tree retention is required for the
15 following development proposals:

16 a. An addition or remodel to an existing single family dwelling that will result in the
17 addition of more than 500 square feet of gross floor area on a lot with a net lot area
18 of 6,000 square feet or more;

19 b. A new single family dwelling on a lot with a net lot area of 6,000 square feet or
20 more;

21 c. A subdivision or short subdivision.

22 2. Retention requirement. Development proposals specified under subsection “1.” above, shall
23 retain trees as follows:

24 a. A minimum of thirty percent (30%) of trees with a diameter of ten (10) inches or
25 greater, or that otherwise meet the definition of large tree, shall be retained over a
26 rolling five year period.

27 b. In addition to the retention required in subsection “a.” above, the development
28 proposal shall be designed to further minimize the removal of large trees and
29 maximize onsite tree retention as follows:

30 i. Site improvements, including but not limited to, new single family homes,
31 additions to a single family home, appurtenances, accessory structures,
32 utilities, and driveways shall be designed and located to minimize tree
33 removal during and following construction.

34 ii. The following trees shall be prioritized for retention:

35 (1) Exceptional trees;

36 (2) Trees with a diameter of more than 24 inches;

37 (3) Trees that have a greater likelihood of longevity; and,

38 (4) Trees that are part of a healthy grove

39 iii. Tree shall not be removed outside the area of land disturbance except
40 where necessary to install site improvements (e.g. driveways, utilities, etc.).

41 iv. Tree removal for the purposes of site landscaping should be limited to
42 those trees that will pose a future safety hazard to existing or proposed site
43 improvements.

44 c. Provide tree replacement pursuant to MICC 19.10.070.

1 3. Retention of exceptional trees. Development proposals specified under subsection "1."
2 above, shall retain exceptional trees with a diameter of 24 inches or more. Exceptional
3 trees with a diameter of 24 inches or more that are retained shall be credited towards
4 compliance with the retention requirements of subsection "2." above. Removal of
5 exceptional trees with a diameter of 24 inches or more, shall be limited to the following
6 circumstances:

7 a. Retention of an exceptional tree(s) with a diameter of 24 inches or more will result
8 in an unavoidable hazardous situation; or,

9 b. Retention of an exceptional tree(s) with a diameter of 24 inches or more will limit
10 the constructable gross floor area to less than 85% of the maximum gross floor area
11 allowed under Chapter 19.02 MICC; or,

12 c. Retention of an exceptional tree(s) with a diameter of 24 inches or more will
13 prevent creation of a residential lot through a subdivision or short subdivision that is
14 otherwise allowed by Title 19 MICC.

15 4. Calculation of rolling five year period. For the purposes of this section, the rolling five year
16 period begins five years prior to the date of application for a development approval that is
17 subject to tree retention.

18 5. Compliance required. Development proposals on lots that have removed more than 70% of
19 large trees within the rolling five year period, such that the 30% tree retention requirement
20 under subsection "2." above cannot be met, shall not receive approval unless and until
21 compliance has been achieved. For example, a lot that has removed all of the trees in year
22 "one", may not receive a preliminary subdivision approval in year "four". However, the
23 preliminary subdivision approval may be granted in year "six", such that the rolling five year
24 period does not include the tree removal in year "one".

25
26 B. Commercial or multifamily zoning designations - Tree removal.

27 1. In the P, B, C-0, PBZ, TC, MF-2, MF-2L, and MF-3 zoning designations a tree permit is
28 required and will be granted if it meets any of the following criteria:

29 a. It is necessary for public safety, removal of hazardous trees, or removal of diseased
30 or dead trees;

31 b. It is necessary to enable construction work on the property to proceed and the
32 owner has used reasonable best efforts to design and locate any improvements and
33 perform the construction work in a manner consistent with the purposes set forth in
34 MICC 19.10.005;

35 c. It is necessary to enable any person to satisfy the terms and conditions of any
36 covenant, condition, view easement or other easement, or other restriction
37 encumbering the lot that was recorded on or before July 31, 2001; and subject to
38 MICC 19.10.090(B);

39 d. It is part of the city's forest management program or regular tree maintenance
40 program and the city is the applicant;

41 e. It is desirable for the enhancement of the ecosystem or slope stability based upon
42 professional reports in form and content acceptable to the city arborist.

43 2. Design Commission review required in commercial zones. A tree permit for a development
44 proposal, resulting in regulated improvements located in a commercial zone, that has previously

received design commission approval, must first be reviewed, and approved by the city’s design commission prior to permit issuance by the city.

19.10.070 Tree replacement.

Trees that are cut pursuant to a tree permit shall be replaced as specified in subsections “A” and “B.” below, or a fee in lieu shall be paid as specified in subsection “C.”.

A. Tree replacement ratio. Removed trees pursuant, shall have the following base replacement ratio:

<u>Diameter of removed tree</u>	<u>Number of replacement trees required</u>
<u>Less than 10 inches</u>	<u>1</u>
<u>10 inches up to 24 inches</u>	<u>2</u>
<u>24 inches up to 36 inches</u>	<u>3</u>
<u>More than 36 inches and any exceptional tree(s)</u>	<u>6</u>

B. Replacement Trees.

1. Location. Replacement trees shall be located in the following order of priority from most important to least important:

- a. On-site replacement adjacent to or within critical tree areas as defined in Chapter 19.16 MICC;
- b. On-site replacement outside of critical tree areas adjacent to other retained trees making up a grove or stand of trees;
- c. On-site replacement outside of critical tree areas; and,
- d. Off-site in adjacent public right-of-way where explicitly authorized by the city.

2. Species. 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 is unlikely to survive for a period of at least 10 years, represents a danger or nuisance, would threaten overhead or underground utilities or would fail to provide adequate protection to any critical tree area.

3. Size.

- a. Coniferous trees shall be at least 6 feet tall; and
- b. Deciduous trees shall be at least 1.5 inches in caliper.

The city arborist may authorize the planting of smaller-sized replacement trees if the applicant can demonstrate that smaller trees are more suited to the species, the site conditions, neighborhood character, and the purposes of this section, and that such replacement trees will be planted in sufficient quantities to meet the intent of this section. The city arborist shall not authorize the planting of shrubs or bushes in lieu of required replacement trees.

4. Reduction. The city arborist may reduce the number of replacement trees as follows, where other measures designed to mitigate the tree loss by restoring the tree canopy coverage and its

1 associated benefits are considered to be effective and consistent with the purposes of this
2 chapter. The city arborist may consider, but is not limited to, the following measures:
3 a. Replacement of hazardous, undesired, or short-lived trees with healthy new trees
4 that have a greater chance of long-term survival;
5 b. Restoration of critical tree areas with native vegetation; and,
6 c. Protection of small trees to provide for successional stages of tree canopy.

7
8 5. Timing. Replacement trees shall be planted in the wet season (October 1 through April 1),
9 following the applicable tree removal or, in the case of a development proposal, completion of
10 the development work, provided the city arborist may authorize an extension to ensure optimal
11 planting conditions for tree survival.

12
13 C. Fee-in-lieu. If the city arborist determines there is insufficient area to replant on the site or within the
14 adjacent public right-of-way, the city arborist may authorize payment of a fee-in-lieu provided:

- 15 1. There is insufficient area on the lot or adjacent right-of-way for proposed on-site tree
16 replacement to meet the tree replacement requirements of this chapter; or
17 2. Tree replacement or management provided within public right-of-way or a city park in the
18 vicinity will be of greater benefit to the community.
19 3. Fees provided in lieu of on-site tree replacement shall be determined based upon:
20 a. The expected tree replacement cost including labor, materials, and maintenance for
21 each replacement tree; and,
22 b. The most current Council of Tree and Landscaper Appraisers Guide for Plant
23 Appraisal.
24 4. Any fee in lieu is also optional for the applicant and requires an explicit written agreement.

25
26 D. Maintenance of Replacement Trees. The applicant shall maintain all replacement trees in a healthy
27 condition for a period of five years after planting. The applicant shall be obligated to replant any
28 replacement tree that dies, becomes diseased, or is removed during this five-year time period.

29
30 E. Private Utility Company. If the permit is granted to a private utility company and the property owner
31 is unwilling to place any replacement trees on the owner's property, the private utility company shall
32 pay to the city the amount necessary to purchase and plant replacement trees on public property
33 necessary to mitigate the impact of the removed trees based upon arborist industry standards. Monies
34 paid to the city for replacement trees shall be used for that purpose.

35
36 **19.10.080 Tree protection standards.**

37 A. To ensure long-term viability of trees identified for protection, permit plans and construction
38 activities shall comply with the then-existing Best Management Practices (BMP) – Managing Trees
39 During Construction, published by the International Society of Arboriculture, adopted by reference.
40 The tree protection plan shall be prepared by a qualified arborist and the plan shall be reviewed for
41 adequacy by the City arborist. All minimum required tree protection measures shall be shown on
42 the development plan set and tree re-planting / restoration / protection plan.

1 B. Alternative Methods. The city arborist may approve construction related activity or work within the
2 tree protection barriers if the city arborist concludes:

- 3 1. That such activity or work will not threaten the long term health of the retained tree(s); and,
- 4 2. That such activity or work complies with the protective methods and best building practices
5 established by the International Society of Arboriculture.

6
7 **19.10.090 Application requirements.**

8 The city shall establish and maintain a tree removal permit application form to allow property owners to
9 request city review of tree removal for compliance with applicable city regulations. The application shall
10 include at a minimum, the following:

11 **A. General Information.**

- 12 1. The name, address, telephone number of the applicant, the name, address, telephone
13 number of the property owner, and the street address of the property.
- 14 2. The proposed location, species, diameter, and number of trees proposed to be cut or public
15 tree proposed to be pruned.
- 16 3. The proposed location and number of any required replacement trees.
- 17 4. A site plan reflecting the location of large trees and the relative location of structures,
18 driveways, and buildings.
- 19 5. Additional information required by the City to confirm compliance with this Chapter or
20 Chapter 19.07 MICC.

21
22 B. Critical Tree Area. An application covering a tree located in a critical tree area, as defined in Chapter
23 19.16 MICC, shall include a proposed time schedule for the cutting, land restoration, implementation of
24 erosion control and other measures that will be taken in order to prevent damage to the critical tree
25 area.

26
27 C. Development plan set. An application for a development proposal that requires tree retention, and
28 that will result in the removal of one or more trees and as a result of construction work, shall include the
29 following:

- 30 1. Detailed site plan. The site plan shall include the following information at a minimum:
 - 31 a. Location of all proposed improvements, including building footprint, access, utilities,
32 applicable setbacks, buffers, and required landscaped areas clearly identified. If a short
33 plat or subdivision is being proposed and the location of all proposed improvements
34 cannot be established, a phased tree retention plan review is required as described
35 below;
 - 36 b. Accurate location of large trees on the subject property (surveyed locations may be
37 required). The site plan must also include the trunk location and critical root zone of
38 large trees that are on adjacent property with driplines extending over the subject
39 property line;
 - 40 c. Trees labeled corresponding to the tree inventory numbering system;
 - 41 d. Location of tree protection measures;
 - 42 e. Indicate limits of disturbance (LOD) drawn to scale around all trees potentially
43 impacted by site disturbances resulting from grading, demolition, or construction
44 activities (including approximate LOD of off-site trees with overhanging driplines);

- f. Proposed tree status (trees to be removed or retained) noted by an 'X' or by ghosting out;
- g. Proposed locations of any required replacement trees.

2. A Tree Retention Plan and Arborist Report. The tree retention plan shall contain the following information:

a. A tree inventory containing the following:

- i. A numbering system of all existing large trees on the subject property (with corresponding tags on trees); the inventory shall also include large trees on adjacent property with driplines or critical root zones extending into the development proposal site;
- ii. Size (diameter);
- iii. Proposed tree status (retained or removed);
- iv. Tree type or species;
- v. Brief general health or condition rating of these trees (i.e. poor, fair, good, etc.)

b. An arborist report, prepared by a qualified arborist, containing the following:

- i. A complete description of each tree's diameter, species, critical root zone, limits of allowable disturbance, health, condition, and viability;
- ii. A description of the method(s) used to determine the limits of allowable disturbance (i.e., critical root zone, root plate diameter, or a case-by-case basis description for individual trees);
- iii. Any special instructions specifically outlining any work proposed within the limits of the disturbance protection area (i.e., hand-digging, air spade, tunneling, root pruning, any grade changes, clearing, monitoring, and aftercare);
- iv. For trees not viable for retention, a description of the reason(s) for removal based on poor health, high risk of failure due to structure, defects, unavoidable isolation (windfirmness), or unsuitability of species, etc., and for which no reasonable alternative action is possible must be given (pruning, cabling, etc.);
- v. Describe the impact of necessary tree removal to the remaining trees, including those in a grove or on adjacent properties;
- vi. For development applications, a discussion of timing and installation of tree protection measures. Such measures must include fencing and be in accordance with the tree protection standards as outlined in MICC 19.10; and
- vii. The suggested location and species of supplemental trees to be used when required. The report shall include planting and maintenance specifications to ensure long term survival.

3. Additional Information. The city arborist or code official may require additional documentation, plans, or information as needed to ensure compliance with applicable city regulations.

E. Peer review and conflict of interest.

- 1. The city may require peer review of the tree permit application by a qualified arborist to verify the adequacy of the information and analysis. The applicant shall bear the cost of the peer review.

1 2. The code official may require the applicant retain a replacement qualified arborist or may
2 require a peer review where the code official believes a conflict of interest exists. For example, if
3 an otherwise qualified arborist is employed by a tree removal company and prepares the
4 arborist report for a development proposal, a replacement qualified arborist or a peer review
5 may be required.

6
7
8 **19.10.100 Trees on public property.**

9 An application for a tree permit to cut a tree on public property or a request to have the city prune a
10 public tree located on a city street shall be reviewed by the city arborist based upon the following
11 conditions and criteria:

12
13 A. By the city. An annual tree permit will be issued to the city to cut any public trees necessary for public
14 safety, removal of hazardous trees, removal of diseased or dead trees, as part of the city's forest
15 management program or regular tree maintenance program or for construction work on public
16 property.

17
18 B. By private property owners in city street. A private property owner may apply for a tree permit to cut
19 or prune a public tree located on any city street if the owner demonstrates in the following order that all
20 of the criteria are satisfied:

- 21 1. The owner establishes that the tree is located on a city street;
- 22 2. The city arborist determines that the proposed pruning or cutting can be performed without
23 adversely affecting any critical tree areas;
- 24 3. Tree cutting. The city arborist determines that proposed tree removal is:
 - 25 i. Necessary for access to private property;
 - 26 ii. Necessary for installation of required public improvements (e.g. sidewalk, public
27 utilities, etc);
- 28 4. Tree pruning. The city arborist determines that proposed tree pruning is:
 - 29 i. Required to resolve a possible hazard to public or private health or safety; or,
 - 30 ii. Requested by a valid petition executed by at least 60 percent of the property owners
31 located within a 300-foot radius of the subject tree in favor of the proposed pruning of
32 the tree; and
- 33 5. Additional information prepared by a qualified arborist, if required by the city arborist, is
34 provided to ensure the long term health and viability of trees that will remain following pruning
35 or removal;
- 36 6. In the case of tree cutting, the private property owner provides tree replacement consistent
37 with MICC 19.10.070;
- 38 7. The owner pays a fee to cover all costs associated with reviewing the pruning or cutting
39 request;
- 40 8. The pruning or cutting is performed at the sole cost and expense of the private property
41 owner; and,
- 42 9. Tree topping is prohibited.

43
44 C. Pruning or cutting of trees within a public park by a private property owner is prohibited.

1
2 **19.10.110 Seasonal development limitations.**

3 No cutting of trees located in geologic hazard areas or protected slope areas is allowed between
4 October 1 and April 1 unless: (i) a tree permit with explicit authorization for removal between October 1
5 and April 1 has been granted; or (ii) removal is required due to an emergency situation involving
6 immediate danger to life or property. The city arborist may authorize tree removal between October 1
7 and April 1 if the city arborist determines that such environmentally critical areas will not be adversely
8 impacted by the proposed cutting and the applicant demonstrates compelling justification based on a
9 geotechnical evaluation of the site. The city arborist may require hydrology, soils and storm water
10 studies, erosion control measures, restoration plans, and/or an indemnification/release agreement.

11
12 **19.10.120 Rounding.**

13 When the retention or replacement calculations results in a fraction, the fraction shall be rounded to the
14 nearest whole number as follows:

- 15 A. Fractions of 0.50 or above shall be rounded up to the closest whole number; and
16 B. Fractions below 0.50 shall be rounded down to the closest whole number.

17
18 **19.10.130 Bald eagle and other federal and state requirements.**

19 In addition to any requirement of this chapter, persons must comply with all applicable federal and state
20 laws, rules and regulations including without limitation the Endangered Species Act, the Bald Eagle
21 Protection Act and the Migratory Bird Treaty Act, as now existing or hereinafter adopted or amended.

22
23 **19.10.140 Nuisance abatement.**

24 A. In addition to the requirements of this Chapter 19.10 MICC, trees and vegetation which meet the
25 definition of a nuisance shall be subject to the provisions of Chapter 8.24 MICC, Nuisance Control Code.

26
27 B. In addition to the provisions of Chapter 8.24 MICC, Nuisance Control Code, the following
28 requirements shall apply to trees and vegetation:

29
30 1. Branches over roads shall be trimmed to a minimum of 12 feet above the road surface. (see
31 Figure 1).

32
33 2. Branches over sidewalks shall be trimmed to a minimum of eight feet above the sidewalk and
34 one foot behind the sidewalk (see Figure 1).

35
36 3. Street trees and other vegetation will be spaced according to the following spacing
37 requirements to facilitate the safe flow of traffic (see Figure 2):

38
39 a. No tree plantings are allowed within a 30-foot sight triangle at any street intersection.

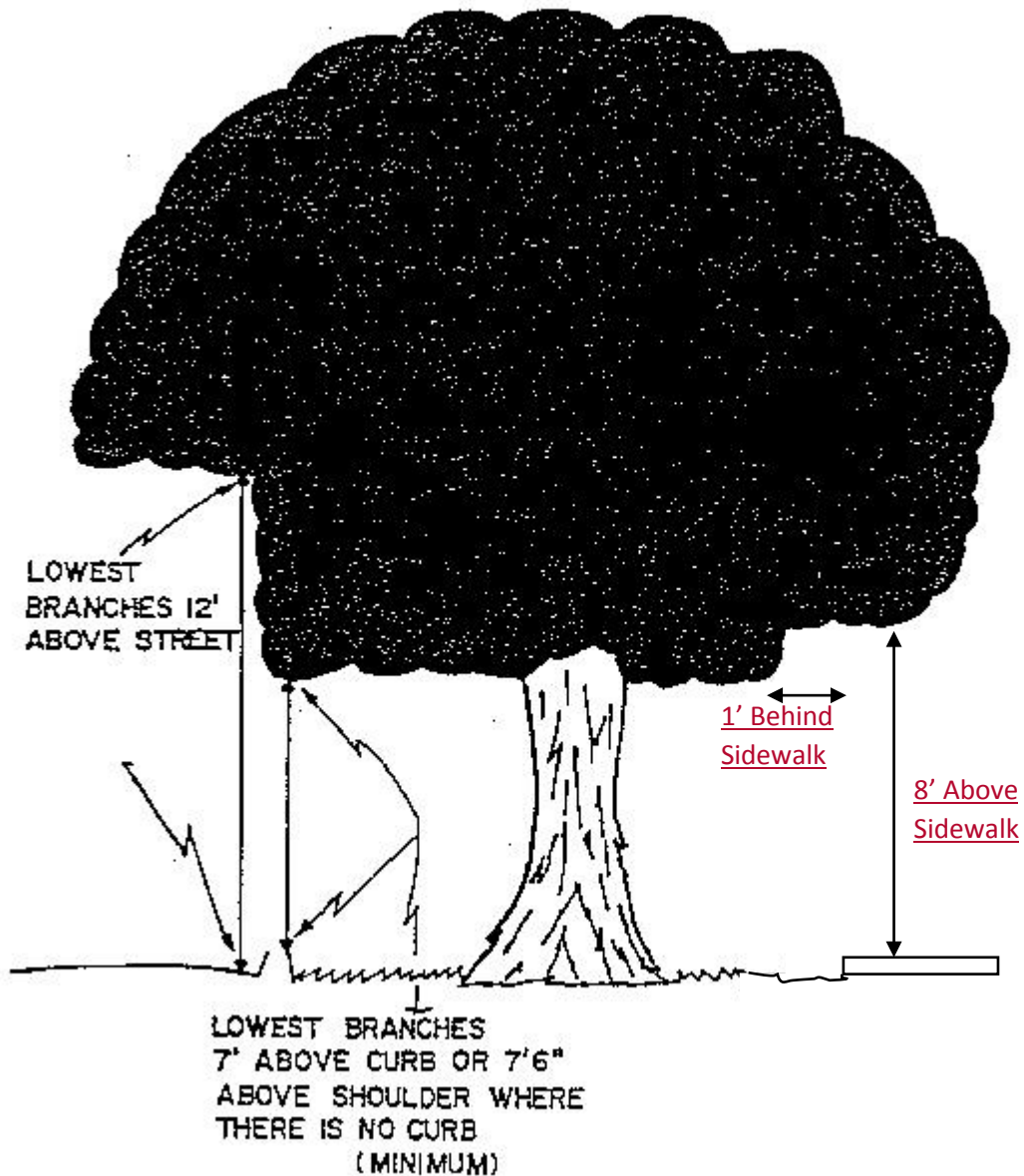
40
41 b. Shrubs shall not exceed 36 inches in height above the street level within this triangle.

42
43 c. Ten-foot minimum spacing shall be observed for small trees.
44

1 d. Hedges are not allowed between the sidewalk and the curb, and must be planted at
2 least five feet behind the sidewalk.

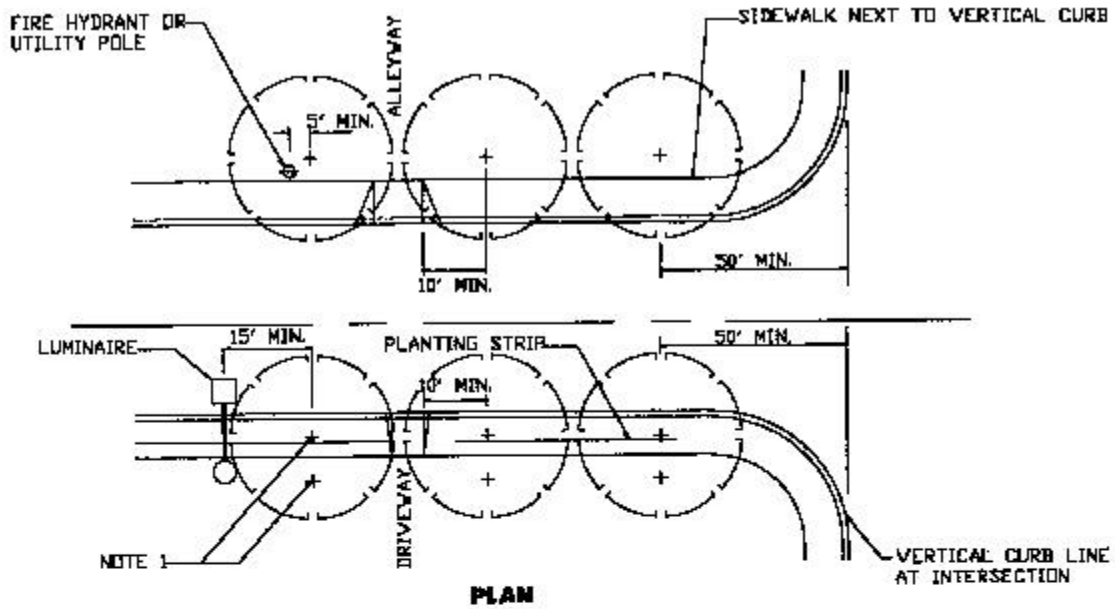
3
4 e. Hedges must be trimmed at least three feet behind the sidewalk.

5
6 f. Plantings of trees, shrubs or hedges are not allowed between the street/road edge
7 and a ditch.



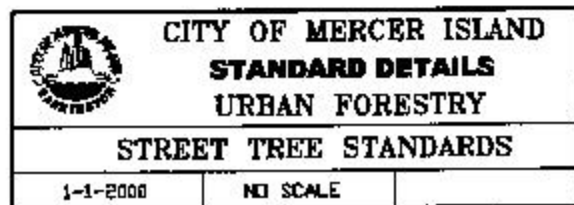
8
9 Figure 1

10



NOTES:

1. TREES SHALL GENERALLY BE PLANTED BACK OF THE SIDEWALK. PLANTING STRIPS WILL BE APPROVED ONLY AS PART OF A LANDSCAPING PLAN IN WHICH PLANT MAINTENANCE, LANDSCAPING PLAN IN COMPATIBILITY WITH UTILITIES, AND TRAFFIC SAFETY ARE DULY CONSIDERED.
2. IF PLANTING STRIPS ARE APPROVED:
 - A. MIN. DISTANCE FROM CENTER OF ANY TREE TO NEAREST EDGE OF VERTICAL CURB SHALL BE 4 FEET.
 - B. TREES SHALL BE STAKED IN A MANNER NOT TO OBSTRUCT SIDEWALK TRAFFIC.
 - C. IN CASE OF BLOCK-OUTS, MIN. CLEAR SIDEWALK WIDTH SHALL BE 5 FEET IN RESIDENTIAL OR 8 FEET IN BUSINESS DISTRICTS.
3. ON BUS ROUTES, PLANS SHALL BE COORDINATED WITH METRO SERVICE PLANNING.



1
2
3
4
5

Figure 2

19.10.150 Appeals.

1 Any person or persons aggrieved by any action or decision of city staff made pursuant to any section of
2 this chapter, may appeal such action or decision in accordance with the appeal procedure set forth in
3 Chapter 19.15 MICC.

4
5 **19.10.160 Enforcement.**

6 A. Violation. It is a violation of this chapter for any person to fail to comply with the requirements of this
7 chapter.

8
9 **B. Civil Penalty and Remediation.**

10 1. Civil Penalty. The penalty for violating this chapter shall be a fine equal to up to three times
11 the value of the damaged or cut tree or removed vegetative cover, plus the cost of reasonable
12 remediation. Trees and other vegetation shall be appraised according to the method specified
13 by the Council of Landscape and Tree Appraisers, most current edition.

14 2. Remediation. Remediation for tree removed in violation of this chapter shall include, but is
15 not limited to, the following:

- 16 a. Removal of the remaining plant parts or debris;
- 17 b. Preparation of a re-planting plan in a form approved by the code official for re-
- 18 planting the area where trees were removed in violation of this chapter;
- 19 c. Payment of the costs to review, approve, and administer the remediation process;
- 20 d. Installation of the required re-plantings as reflected on the re-planting plan; and,
- 21 e. Maintenance of the required re-plantings for a period of five years.

22
23 C. Tree retention enforcement. Trees identified for retention through the approval of development
24 proposal that are subsequently removed, or are damaged to the extent that removal is required, with
25 prior written approval by the City arborist, whether the removal or damage is intentional or
26 unintentional, shall result in a civil penalty pursuant to section "B." above, in addition to required
27 replanting and remediation. The code official may waive the civil penalty if the code official determines
28 that appropriate tree protection standards were in place and maintained and natural disaster or events
29 entirely outside the knowledge and control of the property owner, resulted in the tree loss.

30
31
32 **19.10.010 Purpose.**

33 ~~—These regulations are adopted to promote the public health, safety and general welfare of the~~
34 ~~citizens of Mercer Island, including minimizing erosion, siltation and water pollution in Lake~~
35 ~~Washington, surface water and ground water runoff, risks of slides, and the need for additional~~
36 ~~storm drainage facilities; preserving trees for the reduction of noise, wind protection, slope~~
37 ~~stabilization, animal habitat, and reduction in air pollution; removing diseased or hazardous trees;~~
38 ~~implementing the city’s comprehensive plan; designating and preserving historical trees; and~~
39 ~~providing for the delivery of reliable utility service, reasonable development of property and~~
40 ~~reasonable preservation or enhancement of property views.~~

41
42 **19.10.020 Permit requirements.**

43 ~~approximate approximate~~

1 ~~A. No Permit Required. Except as otherwise provided in subsection B of this section, no tree permit is~~
2 ~~required for an owner or an owner's agent to cut or prune trees located on the owner's property as~~
3 ~~follows:~~

4
5 ~~1. Outside Critical Tree Area. No tree permit is required to cut any tree located outside a critical~~
6 ~~tree area;~~

7
8 ~~2. Pruning. No tree permit is required to perform pruning of any tree; and~~

9
10 ~~3. Size of Tree. No tree permit is required to cut any small tree.~~

11
12 ~~B. Permit Required. A tree permit is required to cut a tree as follows:~~

13
14 ~~1. Construction Work. A tree permit is required to cut any large tree as a result of construction~~
15 ~~work;~~

16
17 ~~2. Landmark Tree/Grove. A tree permit is required to cut a landmark tree or any tree located in~~
18 ~~a landmark grove;~~

19
20 ~~3. Critical Tree Area. A tree permit is required to cut any large tree located in a critical tree area;~~

21
22 ~~4. Commercial Zone. A tree permit is required to cut any large tree located in a commercial~~
23 ~~zone;~~

24
25 ~~5. Emergency. A tree on private property may be cut without a tree permit in an emergency~~
26 ~~situation involving immediate danger to life or property so long as the city arborist is notified~~
27 ~~within seven days of the tree having been cut, is provided such additional information as the city~~
28 ~~arborist requests in order to verify the emergency, and a tree permit is obtained within 20 days~~
29 ~~following the cutting of the tree if a tree permit is required under this section;~~

30
31 ~~6. Public Tree.~~

32
33 ~~a. By the City. The city is obligated to comply with the permit requirements as set forth~~
34 ~~in this chapter;~~

35
36 ~~b. By Private Property Owners. No private property owner may cut or prune a public~~
37 ~~tree. A private property owner can request the city to prune a tree located on any city~~
38 ~~street subject to the conditions set forth in MICC 19.10.040(A)(2);~~

39
40 ~~7. Private Utility Company. A tree permit is required for a private utility company to cut any tree.~~

41
42
43 ~~19.10.030 Seasonal development limitations.~~

1 ~~No cutting of trees located in geologic hazard areas or protected slope areas is allowed between~~
2 ~~October 1 and April 1 unless: (i) an administrative waiver has been granted; or (ii) it is required due to an~~
3 ~~emergency situation involving immediate danger to life or property. The city arborist may grant an~~
4 ~~administrative waiver to this seasonal development limitation if the city arborist determines that such~~
5 ~~environmentally sensitive areas will not be adversely impacted by the proposed cutting and the~~
6 ~~applicant demonstrates compelling justification by a geotechnical evaluation of the site. The city arborist~~
7 ~~may require hydrology, soils and storm water retention studies, erosion control measures, restoration~~
8 ~~plans, and/or an indemnification/release agreement.~~

9
10
11 **19.10.040 Criteria.**

12 ~~A. Trees on Public Property. An application for a tree permit to cut a tree on public property or a request~~
13 ~~to have the city prune a public tree located on a city street shall be reviewed by the city arborist based~~
14 ~~upon the following conditions and criteria:~~

15
16 ~~1. By the City. An annual tree permit will be issued to the city to cut any public trees necessary for public~~
17 ~~safety, removal of hazardous trees, removal of diseased or dead trees, as part of the city's forest~~
18 ~~management program or regular tree maintenance program or for construction work on public~~
19 ~~property.~~

20
21 ~~2. By Private Property Owners. A private property owner may request the pruning of a public tree~~
22 ~~located on any city street if the owner demonstrates in the following order that all of the criteria are~~
23 ~~satisfied:~~

24
25 ~~a. The owner establishes that the tree is located on a city street;~~

26
27 ~~b. The owner submits a valid petition executed by at least 60 percent of the property owners~~
28 ~~located within a 300-foot radius of the subject tree in favor of the proposed pruning of the tree;~~

29
30 ~~c. The city arborist determines that the proposed pruning can be performed without adversely~~
31 ~~affecting any critical tree areas;~~

32
33 ~~d. The owner pays a fee to cover all costs associated with reviewing the pruning request; and~~

34
35 ~~e. The pruning is performed by the city but at the sole cost and expense of the private property owner.~~

36 ~~**B. Trees on Private Property.** When a tree permit is required to cut a tree on private property, the tree~~
37 ~~permit will be granted if it meets any of the following criteria:~~

38
39 ~~1. It is necessary for public safety, removal of hazardous trees, or removal of diseased or dead trees;~~

40
41 ~~2. It is necessary to enable construction work on the property to proceed and the owner has used~~
42 ~~reasonable best efforts to design and locate any improvements and perform the construction work in a~~
43 ~~manner consistent with the purposes set forth in MICC 19.10.010;~~

1 ~~3. It is necessary to enable any person to satisfy the terms and conditions of any covenant, condition,~~
2 ~~view easement or other easement, or other restriction encumbering the lot that was recorded on or~~
3 ~~before July 31, 2001; and subject to MICC 19.10.080(A)(2);~~
4

5 ~~4. It is part of the city's forest management program or regular tree maintenance program and the city is~~
6 ~~the applicant;~~
7

8 ~~5. The permit seeks to cut one of the following common, short lived "weedy" tree species: Alder, Bitter~~
9 ~~Cherry, or Black Cottonwood; or~~
10

11 ~~6. It is desirable for the enhancement of the ecosystem or slope stability based upon professional~~
12 ~~reports in form and content acceptable to the city arborist.~~
13

14 ~~**C. Trees Cut/Pruned by Private Utility Companies.** A tree permit will be issued to private utility~~
15 ~~companies to cut trees located on public or private property if necessary for public safety, removal of~~
16 ~~hazardous trees, removal of diseased or dead trees, as part of any private utility tree maintenance~~
17 ~~program approved by the city, or for construction work. Regardless of whether or not a permit is~~
18 ~~required, all cutting or pruning of trees by private utility companies shall be performed under the~~
19 ~~supervision of a certified arborist and at the sole cost and expense of the utility company.~~
20 ~~retention~~
21

22 ~~**19.10.050 Commission review required in commercial zones.**~~

23 ~~A tree permit covering regulated improvements located in a commercial zone, that have previously~~
24 ~~received design commission approval, must first be reviewed and approved by the city's design~~
25 ~~commission prior to permit issuance by the city.~~
26

27 ~~**19.10.060 Tree replacement.**~~

28 ~~Any trees that are cut pursuant to a tree permit shall be replaced on the subject property as specified in~~
29 ~~this section.~~
30

31 ~~A. Private Utility Company. If the permit is granted to a private utility company and the property owner~~
32 ~~is unwilling to place any replacement trees on the owner's property, the private utility company shall~~
33 ~~pay to the city the amount necessary to purchase and plant replacement trees on public property~~
34 ~~necessary to mitigate the impact of the removed trees based upon arborist industry standards. Monies~~
35 ~~paid to the city for replacement trees shall be used for that purpose.~~
36

37 ~~B. Species. In making a determination regarding the species of replacement trees, the city arborist shall~~
38 ~~defer to the species selected by the property owner unless the city arborist determines that the species~~
39 ~~selected is unlikely to survive for a period of at least 10 years, represents a danger or nuisance, would~~
40 ~~threaten overhead or underground utilities or would fail to provide adequate protection to any critical~~
41 ~~tree area.~~
42

43 ~~C. Size. All replacement trees shall be at least six feet tall, unless a smaller size tree or shrub is approved~~
44 ~~by the city arborist.~~

1
2 ~~D. Replacement Trees — Number. In making a determination regarding the number of replacement~~
3 ~~trees required, the city arborist shall apply a replacement ratio based on a sliding scale of 0:1 up to 4:1,~~
4 ~~depending upon the criteria in the following priority order:~~

5
6 ~~1. Percentage of slope, slope stability, topography and general soil conditions;~~

7
8 ~~2. Trunk size and canopy of tree to be cut and trunk size and canopy of replacement tree;~~

9
10 ~~3. Size and shape of lot and area available to be replanted; and~~

11
12 ~~4. Proximity to any critical tree area and/or the existence and retention of vegetative cover in any critical~~
13 ~~tree area.~~

14
15 ~~E. Maintenance of Replacement Trees. The applicant shall maintain all replacement trees in a healthy~~
16 ~~condition for a period of two years after planting. The applicant shall be obligated to replant any~~
17 ~~replacement tree that dies, becomes diseased or is removed during this two-year time period.~~

18
19
20 **~~19.10.070 Bald eagle and other federal and state requirements.~~**

21 ~~In addition to any requirement of this chapter, persons must comply with all applicable federal and state~~
22 ~~laws, rules and regulations including without limitation the Endangered Species Act, the Bald Eagle~~
23 ~~Protection Act and the Migratory Bird Treaty Act, as now existing or hereinafter adopted or amended.~~

24
25
26 **~~19.10.080 Permit applications.~~**

27 ~~A. Form. An application for a tree permit shall be submitted on a form provided by the city and shall~~
28 ~~include the following information:~~

29
30 ~~1. General Information.~~

31
32 ~~a. The applicant shall give the name, address and telephone number of the applicant~~
33 ~~and owner of the property and the street address.~~

34
35 ~~b. The applicant must provide information on the proposed location, species, diameter~~
36 ~~and number of trees proposed to be cut or public tree proposed to be pruned.~~

37
38 ~~c. The applicant must agree to pay all costs of cutting, pruning, removing debris,~~
39 ~~cleaning, purchasing and planting replacement trees and any traffic control needed.~~

40
41 ~~2. Critical Tree Area. An application covering a tree located in a critical tree area shall include a~~
42 ~~proposed time schedule for the cutting, land restoration, implementation of erosion control and~~
43 ~~other measures that will be taken in order to prevent damage to the critical tree area.~~

1 3. ~~Construction Work. An application covering a tree to be cut as a result of construction work~~
2 ~~shall include the following:~~

3
4 a. ~~Plot Plan. Two prints of the plot plan at a scale of one inch equals 10 feet (1" = 10') or~~
5 ~~larger. The scale and north indicator shall be given on the plan. The plot plan shall:~~

6
7 i. ~~Indicate topography by contours at a minimum of five-foot intervals, and the~~
8 ~~grading by dashed contour lines for existing grades and by solid contour lines for~~
9 ~~existing grades to be changed. The entire area to be cut and/or filled shall be~~
10 ~~indicated, and temporary storage of any excavated or fill material also~~
11 ~~indicated;~~

12
13 ii. ~~Indicate the location of existing and proposed improvements including, but~~
14 ~~not limited to, structures, driveways, ponds, the location of building (zoning)~~
15 ~~setbacks and grade changes; and~~

16
17 iii. ~~Indicate the location, diameter and/or size, and species of all large trees.~~
18 ~~Trees proposed to be cut shall be identified and differentiated from those trees~~
19 ~~not being cut. For a permit involving any critical tree area, the applicant shall~~
20 ~~also identify vegetative cover that will be retained or removed.~~

21
22 b. ~~Restoration/Protection Plan. An applicant shall provide a plan for protecting trees~~
23 ~~that are not intended to be cut, a plan for conducting all construction work in~~
24 ~~accordance with best construction practices and a plan for erosion control and~~
25 ~~restoration of land during and immediately following the construction period.~~

26
27 4. ~~Public Trees. An application for a permit by a private utility company to cut a public tree~~
28 ~~pursuant to MICC 19.10.040(C) or by a private property owner to prune a public tree on any city~~
29 ~~street pursuant to MICC 19.10.040 (A)(2), shall include all such information as the city arborist~~
30 ~~may require in order to verify that all conditions of those sections have been satisfied. If there is~~
31 ~~a dispute as to whether a tree is located on public property or private property, the city arborist~~
32 ~~may require a survey, at the applicant's expense, that is not more than one year old indicating~~
33 ~~the boundaries of the private property and the public property.~~

34
35 B. ~~City Review. The city arborist shall complete a review and make a decision within 30 days from the~~
36 ~~date a complete application is submitted unless an extension, not to exceed 20 days, is authorized by~~
37 ~~the city manager or designee.~~

38
39 C. ~~Permit Expiration. Any permit granted hereunder shall expire one year from the date of issuance.~~
40 ~~Upon a showing of good cause, a permit may be extended for one year. Any material change in plans or~~
41 ~~information from that presented with the permit application that occurs prior to the cutting requires~~
42 ~~submittal of an amended application for review and approval by the city arborist. The permit may be~~
43 ~~suspended or revoked by the city arborist because of incorrect material information supplied or any~~
44 ~~violation of the provisions of this chapter.~~

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19.10.090 Nuisance abatement.

A. Trees and vegetation which meet the definition of a nuisance shall be subject to the provisions of Chapter 8.24 MICC, Nuisance Control Code.

B. In addition to the provisions of Chapter 8.24 MICC, Nuisance Control Code, the following requirements shall apply to trees and vegetation:

1. Branches over roads shall be trimmed to a minimum of 12 feet above the road surface. (see Figure 1).

2. Branches over sidewalks shall be trimmed to a minimum of eight feet above the sidewalk and one foot behind the sidewalk (see Figure 1).

3. Street trees and other vegetation will be spaced according to the following spacing requirements to facilitate the safe flow of traffic (see Figure 2):

a. No tree plantings are allowed within a 30 foot sight triangle at any street intersection.

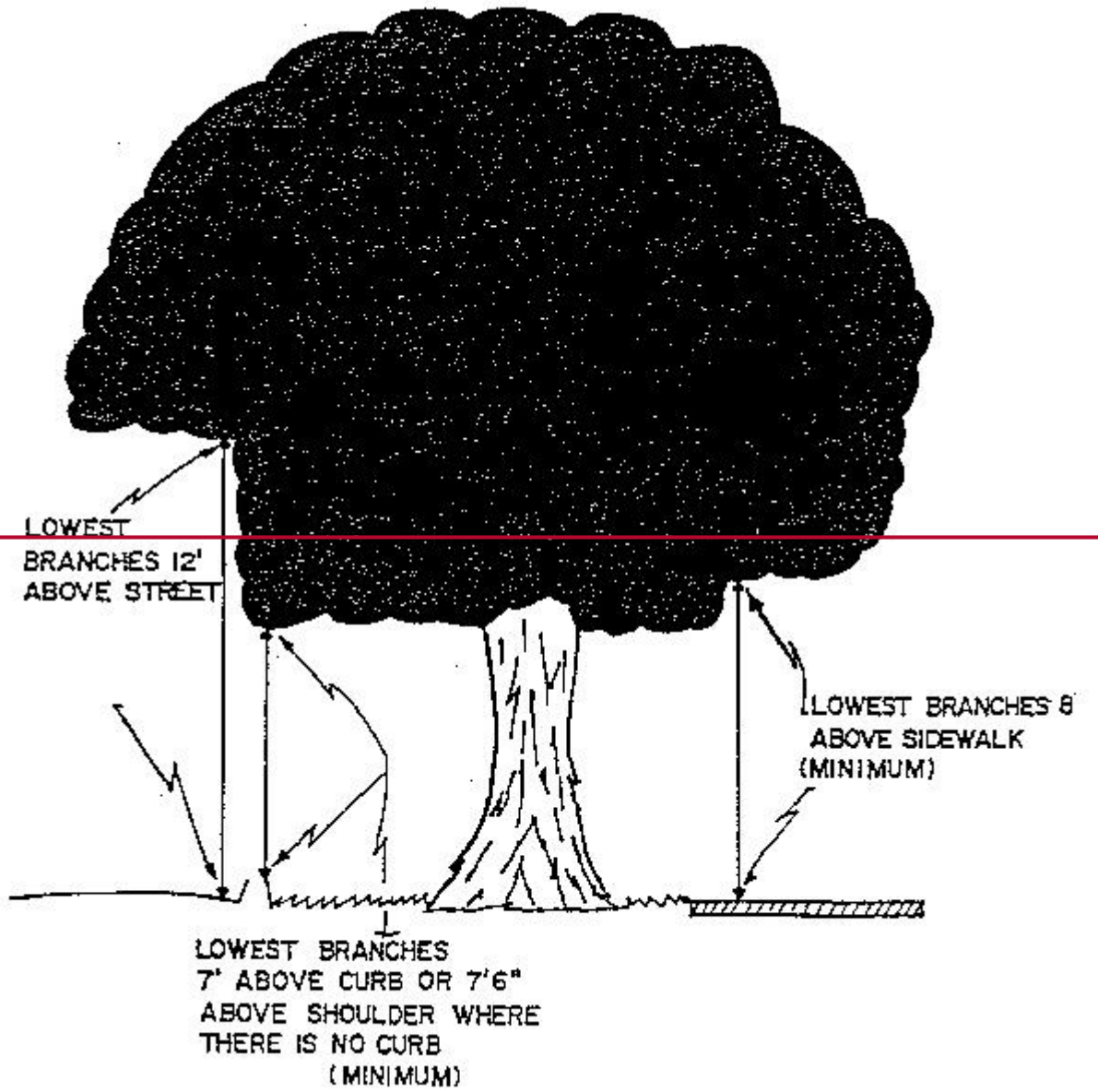
b. Shrubs shall not exceed 36 inches in height above the street level within this triangle.

c. Ten-foot minimum spacing shall be observed for small trees.

d. Hedges are not allowed between the sidewalk and the curb, and must be planted at least five feet behind the sidewalk.

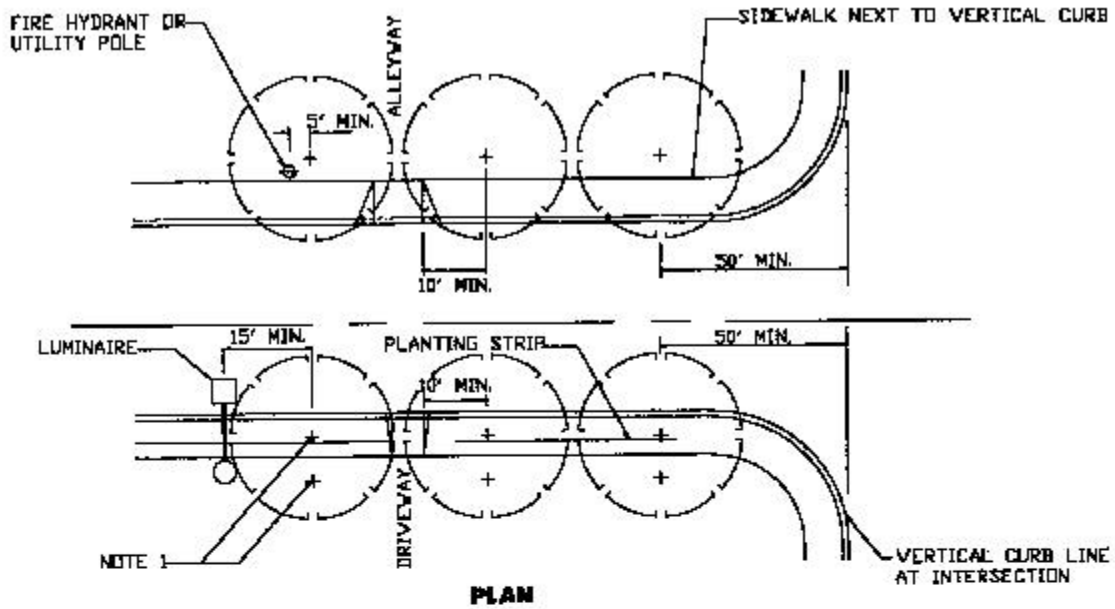
e. Hedges must be trimmed at least three feet behind the sidewalk.

f. Plantings of trees, shrubs or hedges are not allowed between the street/road edge and a ditch.



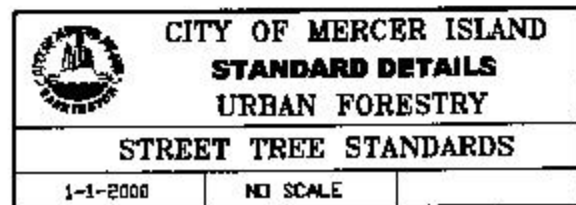
- 1
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Figure 1



NOTES:

1. TREES SHALL GENERALLY BE PLANTED BACK OF THE SIDEWALK. PLANTING STRIPS WILL BE APPROVED ONLY AS PART OF A LANDSCAPING PLAN IN WHICH PLANT MAINTENANCE, LANDSCAPING PLAN IN COMPATIBILITY WITH UTILITIES, AND TRAFFIC SAFETY ARE DULY CONSIDERED.
2. IF PLANTING STRIPS ARE APPROVED:
 - A. MIN. DISTANCE FROM CENTER OF ANY TREE TO NEAREST EDGE OF VERTICAL CURB SHALL BE 4 FEET.
 - B. TREES SHALL BE STAKED IN A MANNER NOT TO OBSTRUCT SIDEWALK TRAFFIC.
 - C. IN CASE OF BLOCK-OUTS, MIN. CLEAR SIDEWALK WIDTH SHALL BE 5 FEET IN RESIDENTIAL OR 8 FEET IN BUSINESS DISTRICTS.
3. ON BUS ROUTES, PLANS SHALL BE COORDINATED WITH METRO SERVICE PLANNING.



1
 2 **Figure 2**
 3
 4
 5 **19.10.100 Appeals.**

1 Any person or persons aggrieved by any action or decision of city staff made pursuant to any section of
2 this chapter, may appeal such action or decision to the planning commission in accordance with the
3 appeal procedure set forth in MICC 19.15.020(J).
4

5
6 **19.10.110 Fees.**

7 Fees shall be set forth in a schedule adopted by the city council by resolution with any modifications,
8 which will be made from time to time by the city council. Fees shall be based on the time required to
9 review and inspect applications subject to the provisions of this chapter.
10

11
12 **19.10.120 Enforcement.**

13 A. Violation. It is a violation of this chapter for any person to fail to comply with the requirements of this
14 chapter.
15

16 B. Civil Penalty. The penalty for violating this chapter shall be a fine equal to up to three
17 times the value of the damaged or cut tree or removed vegetative cover, plus the cost
18 of reasonable remediation. Trees and other vegetation shall be appraised according to
19 the method specified by the Council of Landscape and Tree Appraisers, most current
20 edition. Reasonable remediation is the cost to develop a plan of remediation and
21 remove the remaining plant parts or debris, the cost to clean up the area, the cost to
22 replant the area, and the cost to administer the remediation process.
23

24
25 **19.10.130 Best pruning practices.**

26 The city arborist shall prepare and distribute educational materials describing the best practices,
27 policies, techniques, methods and procedures for pruning trees.
28

29
30 **19.10.140 Landmark trees.**

31 A. Designation of Landmark Trees and Landmark Groves.
32

33 1. The city shall maintain a register of landmark trees and landmark groves.
34

35 2. A property owner may propose to the city that a tree or grove of trees located on his or her
36 private property be designated as a landmark tree or landmark grove. Any city resident may
37 propose to the city that a tree or grove of trees located on public property be designated as a
38 landmark tree or landmark grove. No tree or grove of trees may be designated without the
39 approval of the property owner(s) on which the tree or grove, or any portion of the tree's
40 branches or canopy, is located. Once such approval is given, however, it may not subsequently
41 be withdrawn by the property owner or by a subsequent property owner.
42

1 ~~3. Upon receipt of a proposed designation and the approval of the property owner, the city~~
2 ~~arborist shall determine whether the tree or grove satisfies the definition of landmark tree or~~
3 ~~landmark grove.~~

4
5 ~~4. If the city arborist approves the proposed designation, it shall be memorialized in a covenant~~
6 ~~signed by the city and the property owner(s) and in form acceptable to the city attorney. The~~
7 ~~covenant shall require that the tree(s) or grove be maintained in a manner that is consistent~~
8 ~~with the provisions of this section. The covenant shall be recorded by the county auditor. The~~
9 ~~city shall pay recording fees. The covenant and designation shall be effective from the date of~~
10 ~~recording until such time as a tree permit has been issued for the cutting of the tree or grove of~~
11 ~~trees.~~

12
13 ~~5. Upon request of a property owner, the city arborist shall provide reasonable advice and~~
14 ~~consultation on maintenance of any landmark tree or landmark grove without charge to the~~
15 ~~property owner.~~

16
17 **B. Tree Permit Requirements.**

18
19 ~~1. A tree permit to cut a landmark tree or a tree that is in a landmark grove as a result of~~
20 ~~construction work will only be granted if the applicant has used reasonable best efforts to~~
21 ~~design and locate the project so as to avoid having to cut the landmark tree or any trees in the~~
22 ~~landmark grove.~~

23
24 ~~2. A tree permit to cut a landmark tree or a tree in a landmark grove other than as a result of~~
25 ~~construction work will only be granted if the applicant demonstrates that the tree removal is~~
26 ~~necessary for safety, removal of hazardous trees, removal of diseased or dead branches or trees,~~
27 ~~or if retention of the tree or grove will have a material, adverse and unavoidable impact on the~~
28 ~~use of the property the use of the property.~~

29

1 Chapter 19.15
2 ADMINISTRATION

3
4
5 **19.15.010 General procedures.**

6
7 ...

8
9 D. Actions. There are four categories of actions or permits that are reviewed under the provisions of the
10 development code.

11
12 1. Ministerial Actions. Ministerial actions are based on clear, objective and nondiscretionary
13 standards or standards that require the application of professional expertise on technical issues.

14
15 2. Administrative Actions. Administrative actions are based on objective and subjective
16 standards that require the exercise of limited discretion about nontechnical issues.

17
18 3. Discretionary Actions. Discretionary actions are based on standards that require substantial
19 discretion and may be actions of broad public interest. Discretionary actions are only taken after
20 an open record hearing.

21
22 4. Legislative Actions. Legislative actions involve the creation, amendment or implementation of
23 policy or law by ordinance. In contrast to the other types of actions, legislative actions apply to
24 large geographic areas and are of interest to many property owners and citizens. Legislative
25 actions are only taken after an open record hearing.

26
27 E. Summary of Actions and Authorities. The following is a nonexclusive list of the actions that the city
28 may take under the development code, the criteria upon which those decisions are to be based, and
29 which boards, commissions, elected officials, or city staff have authority to make the decisions and to
30 hear appeals of those decisions.

ACTION	DECISION AUTHORITY	CRITERIA	APPEAL AUTHORITY
Ministerial Actions			
Tree Removal Permit	Code official	Chapter 19.10 MICC	Hearing examiner¹
Right-of-Way Permit	City engineer	Chapter 19.09 MICC	Hearing examiner
Home Business Permit	Code official	MICC 19.02.010	Hearing examiner
Special Needs Group Housing Safety Determination	Police chief	MICC 19.06.080(A)	Hearing examiner

ACTION	DECISION AUTHORITY	CRITERIA	APPEAL AUTHORITY
Lot Line Revision	Code official	Chapter 19.08 MICC	Hearing examiner
Design Review – Minor Exterior Modification Outside Town Center	Code official	MICC 19.15.040 , Chapters 19.11 and 19.12 MICC	Design commission
Design Review – Minor Exterior Modification in Town Center with a Construction Valuation (as defined by MICC 17.14.010) Less Than \$100,000	Code official	Chapters 19.11 and 19.12 MICC, MICC 19.15.040	Design commission
Design Review – Minor Exterior Modification in Town Center with a Construction Valuation (as defined by MICC 17.14.010) \$100,000 or Greater	Design commission	Chapters 19.11 and 19.12 MICC, MICC 19.15.040	Hearing examiner
Final Short Plat Approval	Code official	Chapter 19.08 MICC	Superior court
Seasonal Development Limitation Waiver	Building official or city arborist	MICC 19.10.030 , 19.07.060 (D)(4)	Hearing examiner
Shoreline Exemption	Code official	MICC 19.07.110 and 19.15.020 (G)(6)(c)(i)	Hearing examiner ^{2*}
Major Single-Family Dwelling Building Permit	Code official	Chapter 19.02 MICC but not MICC Title 15 or 17	Hearing Examiner
Administrative Actions			
Accessory Dwelling Unit Permit	Code official	MICC 19.02.030	Hearing examiner
Preliminary Short Plat	Code official	Chapter 19.08 MICC	Hearing examiner
Deviation	Code official	MICC 19.15.020 (G), 19.01.070 , 19.02.050(F) , 19.02.020(C)(4) and (D)(3)	Hearing examiner
Critical Areas Determination	Code official	Chapter 19.07 MICC	Hearing Examiner

ACTION	DECISION AUTHORITY	CRITERIA	APPEAL AUTHORITY
Shoreline – Substantial Development Permit	Code official	MICC 19.07.110 and 19.15.020(G)(6)	Shoreline hearings board
SEPA Threshold Determination	Code official	MICC 19.07.120	Hearing Examiner
Short Plat Alteration and Vacations	Code official	MICC 19.08.010(G)	Hearing examiner
Long Plat Alteration and Vacations	City council via hearing examiner	MICC 19.08.010(F)	Superior court
Temporary Encampment	Code official	MICC 19.06.090	Superior court
Wireless Communications Facility	Code official	MICC 19.06.040	Hearing examiner
Wireless Communications Facility Height Variance	Code official	MICC 19.01.070 , 19.06.040(H) and 19.15.020(G)	Hearing examiner
Minimum Parking Requirement Variances for MF, PBZ, C-O, B and P Zones	Code official via design commission and city engineer	MICC 19.01.070 , 19.03.020(B)(4) , 19.04.040(B)(9) , 19.05.020(B)(9) and 19.15.020(G)	Hearing examiner
Development Code Interpretations	Code official	MICC 19.15.020(L)	Hearing Examiner ⁵
Discretionary Actions			
Conditional Use Permit	Hearing examiner	MICC 19.11.150(B) , 19.15.020(G)	Superior Court
Reclassification (Rezone)	City council via hearing examiner ^{3,2}	MICC 19.15.020(G)	Superior court
<u>Formal</u> Design Review – Major New Construction	Design commission	MICC 19.15.040 , Chapters 19.11 and 19.12 MICC	Hearing examiner
Preliminary Long Plat Approval	City council via hearing examiner ^{3,2}	Chapter 19.08 MICC	Superior court
Final Long Plat Approval	City council via code official	Chapter 19.08 MICC	Superior court
Variance	Hearing examiner	MICC 19.15.020(G) , 19.01.070	Superior court

ACTION	DECISION AUTHORITY	CRITERIA	APPEAL AUTHORITY
Variance from Short Plat Acreage Limitation	Code official	MICC 19.08.020	Hearing examiner
Critical Areas Reasonable Use Exception	Hearing examiner	MICC 19.07.030(B)	Superior court
Street Vacation	City council via planning commission ³²	MICC 19.09.070	Superior court
Shoreline Conditional Use Permit	Code official and Department of Ecology ⁴²	MICC 19.15.020(G)(6)	State Shorelines Hearings Board
Shoreline Variance	Code official and Department of Ecology ³²	MICC 19.15.020(G)(6)	State Shorelines Hearings Board
Impervious Surface Variance	Hearing examiner	MICC 19.02.0520(D)(4)	Superior court
Legislative Actions			
Code Amendment	City council via planning commission ³²	MICC 19.15.020(G)	Growth management hearings board
Comprehensive Plan Amendment	City council via planning commission ²	MICC 19.15.020(G)	Growth management hearings board
<p><u>¹ Tree removal associated with a development proposal and authorized through the issuance of a tree removal permit, shall not commence until after the end of the appeal period associated with the tree removal permit.</u></p>			
<p>²⁴Final rulings granting or denying an exemption under MICC 19.15.020(G)(6) are not appealable to the shoreline hearings board (SHB No. 98-60).</p>			
<p>³²The original action is by the planning commission or hearing examiner which holds a public hearing and makes recommendations to the city council which holds a public meeting and makes the final decision.</p>			
<p>⁴²Must be approved by the city of Mercer Island prior to review by DOE per WAC 173-27-200 and RCW 90.58.140(10).</p>			

ACTION	DECISION AUTHORITY	CRITERIA	APPEAL AUTHORITY
<p><u>^sThe development code interpretation may be appealed as applied to a project review as part of an appeal of the land use action.</u></p>			

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19.15.020 Permit review procedures.

The following are general requirements for processing a permit application under the development code. Additional or alternative requirements may exist for actions under specific code sections (see MICC 19.07.080, 19.07.110, and 19.08.020).

A. Preapplication. Applicants for development permits are encouraged to participate in informal meetings with city staff and property owners in the neighborhood of the project site. Meetings with the staff provide an opportunity to discuss the proposal in concept terms, identify the applicable city requirements and the project review process. Meetings or correspondence with the neighborhood serve the purpose of informing the neighborhood of the project proposal prior to the formal notice provided by the city.

B. Application.

1. All applications for permits or actions by the city shall be submitted on forms provided by the development services group. An application shall contain all information deemed necessary by the code official to determine if the proposed permit or action will comply with the requirements of the applicable development regulations. The applicant for a development proposal shall have the burden of demonstrating that the proposed development complies with the applicable regulations and decision criteria.

2. All applications for permits or actions by the city shall be accompanied by a filing fee in an amount established by city ordinance.

C. Determination of Completeness.

1. The city will not accept an incomplete application. An application is complete only when all information required on the application form and all submittal items required by code have been provided to the satisfaction of the code official.

2. Within 28 days after receiving a development permit application, the city shall mail or provide in person a written determination to the applicant, stating either that the application is complete or that the application is incomplete and what is necessary to make the application complete. An application shall be deemed complete if the city does not provide a written determination to the applicant stating that the application is incomplete.

1 3. Within 14 days after an applicant has submitted all additional information identified as being
2 necessary for a complete application, the city shall notify the applicant whether the application
3 is complete or what additional information is necessary.
4

5 4. If the applicant fails to provide the required information within 90 days of the determination
6 of incompleteness, the application shall lapse. The applicant may request a refund of the
7 application fee minus the city's cost of determining the completeness of the application.
8

9 D. Notice of Application.

10
11 1. Within 14 days of the determination of completeness, the city shall issue a notice of
12 application for all administrative, discretionary, and legislative actions listed in MICC
13 19.15.010(E) and major single-family dwelling building permits.
14

15 2. The notice of application shall include the following information:

16
17 a. The dates of the application, the determination of completeness, and the notice of
18 application;
19

20 b. The name of the applicant;
21

22 c. The location and description of the project;
23

24 d. The requested actions and/or required studies;
25

26 e. The date, time, and place of the open record hearing, if one has been scheduled;
27

28 f. Identification of environmental documents, if any;
29

30 g. A statement of the public comment period, which shall be not less than 30 days
31 following the date of notice of application; and a statement of the rights of individuals
32 to comment on the application, receive notice and participate in any hearings, request a
33 copy of the decision once made and any appeal rights. The City shall accept public
34 comments at any time prior to the closing of the record of an open record predecision
35 hearing, if any, or if no open record predecision hearing is provided, prior to the
36 decision on the project permit;
37

38 h. The city staff contact and contact information;
39

40 i. The identification of other permits not included in the application to the extent known
41 by the city;
42

43 j. A description of those development regulations used in determining consistency of
44 the project with the city's comprehensive plan;

- k. A link to a website where additional information about the project can be found; and
- l. Any other information that the city determines appropriate.

3. Open Record Hearing. If an open record hearing is required on the permit, the city shall:

- a. Provide the notice of application at least 30 days prior to the hearing; and
- b. Issue any threshold determination required under MICC 19.07.110 at least 30 days prior to the hearing.

4. Notice shall be provided in the bi-weekly DSG bulletin, posted at City Hall and made available to the general public upon request.

5. All comments received on the notice of application must be received by the development services group by 5 pm on the last day of the comment period.

6. Except for a determination of significance, the city shall not issue a threshold determination under MICC 19.07.110 or issue a decision on an application until the expiration of the public comment period on the notice of application.

7. A notice of application is not required for the following actions; provided, the action is either categorically exempt from SEPA or an environmental review of the action in accordance with SEPA has been completed:

- a. Building permit other than a major single-family dwelling building permit;
- b. Lot line revision;
- c. Right-of-way permit;
- d. Storm drainage permit;
- e. Home occupation permit;
- f. Design review – minor new construction;
- g. Final plat approval;
- h. Shoreline exemption permit; and
- i. Seasonal development limitation waiver; and.

k. Tree removal permit-

E. Public Notice and Information Availability.

1. In addition to the notice of application, a public notice is required for all administrative, discretionary, and legislative actions listed in MICC 19.15.010(E) and major single-family dwelling building permits.
2. Public notice shall be provided at least 30 days prior to any required open record hearing. If no such hearing is required, public notice shall be provided 14 days prior to the decision on the application.
3. The public notice shall include the following:
 - a. A general description of the proposed project and the action to be taken by the city;
 - b. A nonlegal description of the property, vicinity map or sketch;
 - c. The time, date and location of any required open record hearing;
 - d. A contact name and number where additional information may be obtained;
 - e. A statement that only those persons who submit written comments or testify at the open record hearing will be parties of record; and only parties of record will receive a notice of the decision and have the right to appeal;
 - f. A description of the deadline for submitting public comments;
 - g. A link to a website where additional information about the project can be found.

4. Public notice shall be provided in the following manner:

- a. Administrative and Discretionary Actions and Major Single-Family Dwelling Building Permits. Notice shall be mailed to parties of record, all property owners within 300 feet of the property and posted on the site in a location that is visible to the public right-of-way.

i. Long Subdivisions. Additional notice for long subdivisions shall be provided as follows:

(A) Public notice of an application for a long subdivision shall also be published at least 30 days prior to the open record hearing on the application in a newspaper of general circulation within the city.

(B) If the owner of a proposed long subdivision owns land contiguous to the proposed long subdivision, that contiguous land shall be treated as

part of the long subdivision for notice purposes, and notice of the application shall be given to all owners of lots located within 300 feet of the proposed long subdivision and the applicant's contiguous land.

(C) The city shall provide written notice to the Department of Transportation of an application for a long subdivision or short subdivision that is located adjacent to the right-of-way of a state highway. The notice shall include a legal description of the long subdivision or short subdivision and a location map.

b. Legislative Action. Notice shall be published in a newspaper of general circulation within the city.

5. Every complete development permit application for which notice is to be provided under subsection (D)(1) of this section together with all information provided by the applicant for consideration by the decision authority shall be posted by the city to a website accessible without charge to the public. Information shall be posted at the time the city issues the notice of application under subsection (D)(1) of this section and shall be updated as needed and in any event within seven days after additional information is received from the applicant. The provisions of this subsection (E)(5) shall only apply to development permit applications filed on or after May 29, 2017.

F. Open Record Hearing.

1. Only one open record hearing shall be required prior to action on all discretionary and legislative actions except design review and street vacations.

2. Open record hearings shall be conducted in accordance with the hearing body's rules of procedures. In conducting an open record hearing, the hearing body's chair shall, in general, observe the following sequence:

a. Staff presentation, including the submittal of any additional information or correspondence. Members of the hearing body may ask questions of staff.

b. Applicant and/or applicant representative's presentation. Members of the hearing body may ask questions of the applicant.

c. Testimony by the public. Questions directed to the staff, the applicant or members of the hearing body shall be posed by the chairperson at his/her discretion.

d. Rebuttal, response or clarifying statements by the applicant and/or the staff.

e. The public comment portion of the hearing is closed and the hearing body shall deliberate on the action before it.

1 3. Following the hearing procedure described above, the hearing body shall:

- 2
- 3 a. Approve;
- 4
- 5 b. Conditionally approve;
- 6
- 7 c. Continue the hearing; or
- 8
- 9 d. Deny the application.

10

11 G. Decision Criteria. Decisions shall be based on the criteria specified in the Mercer Island City Code for

12 the specific action. An applicant for a development proposal shall have the burden of demonstrating

13 that the proposed development complies with the applicable regulations and decision criteria. A

14 reference to the code sections that set out the criteria and standards for decisions appears in MICC

15 19.15.010(E). For those actions that do not otherwise have criteria specified in other sections of the

16 code, the following are the required criteria for decision:

17

18 1. Comprehensive Plan Amendment.

19

20 a. The amendment is consistent with the Growth Management Act, the county-wide

21 planning policies, and the other provisions of the comprehensive plan and city policies;

22 and:

23

24 i. There exists obvious technical error in the information contained in the

25 comprehensive plan; or

26

27 ii. The amendment addresses changing circumstances of the city as a whole.

28

29 b. If the amendment is directed at a specific property, the following additional

30 findings shall be determined:

31

32 i. The amendment is compatible with the adjacent land use and development

33 pattern;

34

35 ii. The property is suitable for development in conformance with the standards

36 under the potential zoning; and

37

38 iii. The amendment will benefit the community as a whole and will not adversely

39 affect community facilities or the public health, safety, and general welfare.

40

41 2. Reclassification of Property (Rezoning).

42

43 a. The proposed reclassification is consistent with the policies and provisions of the

44 Mercer Island comprehensive plan;

1
2 b. The proposed reclassification is consistent with the purpose of the Mercer Island
3 development code as set forth in MICC 19.01.010;

4
5 c. The proposed reclassification is an extension of an existing zone, or a logical transition
6 between zones;

7
8 d. The proposed reclassification does not constitute a “spot” zone;

9
10 e. The proposed reclassification is compatible with surrounding zones and land uses;
11 and

12
13 f. The proposed reclassification does not adversely affect public health, safety and
14 welfare.

15
16 3. Conditional Use Permit.

17
18 a. The permit is consistent with the regulations applicable to the zone in which the lot is
19 located;

20
21 b. The proposed use is determined to be acceptable in terms of size and location of site,
22 nature of the proposed uses, character of surrounding development, traffic capacities of
23 adjacent streets, environmental factors, size of proposed buildings, and density;

24
25 c. The use is consistent with policies and provisions of the comprehensive plan; and

26
27 d. Conditions shall be attached to the permit assuring that the use is compatible with
28 other existing and potential uses within the same general area and that the use shall not
29 constitute a nuisance.

30
31 4. Variances. An applicant or property owner may request a variance from any numeric
32 standard, except for the standards contained within Chapter 19.07 MICC. A variance shall be
33 granted by the city only if the applicant can meet all criteria in (a.) through (h.). A variance for
34 increased lot coverage for a regulated improvement pursuant to subsection (i.) shall be granted
35 by the city only if the applicant can meet criteria (a.) through (i.):

36
37 a. The strict enforcement of the provisions of Title 19 MICC will create an unnecessary
38 hardship to the property owner. For the purposes of this criterion, in the R-8.4, R-9.6, R-
39 12, and R-15 zoning designations, an “unnecessary hardship” is limited to those
40 circumstances where the adopted standards of Title 19 MICC prevent the construction
41 of a single family dwelling on a legally created, residentially zoned lot;

42
43 b. The variance is the minimum necessary to grant relief to the property owner;
44

1 ca. No use variance shall be allowed;

2
3 db. There are special circumstances applicable to the particular lot such as the size,
4 shape, topography, or location of the lot; ~~the trees, groundcover, or other physical~~
5 ~~conditions of the lot and its surroundings~~; or factors necessary for the successful
6 installation of a solar energy system such as a particular orientation of a building for the
7 purposes of providing solar access;

8
9 ce. The granting of the variance will not be materially detrimental to the public welfare
10 or injurious to the property or improvements in the vicinity and zone in which the
11 property is situated;

12
13 df. The granting of the variance will not alter the character of the neighborhood, nor
14 impair the appropriate use or development of adjacent property; and

15
16 eg. The variance is consistent with the policies and provisions of the comprehensive plan
17 and the development code.

18
19 h. The basis for requesting the variance is not the direct result of a past action by the
20 current or prior property owner.

21
22 i. Public and private schools, religious institutions, private clubs and public facilities in
23 single-family zones with slopes of less than 15 percent may request a variance to
24 increase the impervious surface to a maximum 60 percent impervious surface and such
25 variance application will be granted if the hearing examiner determines that the
26 applicant has demonstrated that the following criteria are satisfied:

27
28 i. There will be no net loss of permeable surface from the existing permeable
29 surface. No net loss will be determined by the code official and may be achieved
30 by off-site mitigation and/or by reconstructing existing parking areas to allow
31 stormwater penetration. This replacement will be an exception to subsection
32 (D)(2)(b) of this section prohibiting parking areas from being considered as
33 permeable surfaces;

34
35 ii. All stormwater discharged shall be mitigated consistent with the most recent
36 Washington State Department of Ecology Stormwater Management Manual for
37 Western Washington, including attenuation of flow and duration. Mitigation will
38 be required for any and all new and replaced impervious surfaces. In designing
39 such mitigation, the use of a continuous simulation hydrologic model such as
40 KCRTS or WWHM shall be required; event based models will not be allowed. In
41 addition, mitigation designs shall utilize flow control best management practices
42 (BMPs) and low impact development (LID) techniques to infiltrate, disperse and
43 retain stormwater on site to mitigate the increased volume, flow and pollutant
44 loading to the maximum extent feasible;

1
2 iii. The director must approve a storm drainage report submitted by the
3 applicant and prepared by a licensed civil engineer assuring the city that city
4 infrastructure, in concert with the project design, is adequate to accommodate
5 storm drainage from the project site, or identifying appropriate improvements
6 to public and/or private infrastructure to assure this condition is met, at the
7 applicant's expense; and,

8
9 iv. The variance may not be used with other provisions to exceed this maximum
10 60 percent impervious surface coverage.

11
12 5. Setback Deviation. A setback deviation shall be granted by the city only if the applicant
13 demonstrates all of the following:

14
15 a. Setback deviation criteria. Setback deviations shall be subject to the following
16 criteria:

17
18 ia. No use deviation shall be allowed;

19
20 ii. The granting of the deviation will not be materially detrimental to the public
21 welfare or injurious to the property or improvements in the vicinity and zone in
22 which the property is situated;

23
24 iii. The granting of the deviation will not alter the character of the
25 neighborhood, nor impair the appropriate use or development of adjacent
26 property; and

27
28 iv. The deviation is consistent with the policies and provisions of the
29 comprehensive plan and the development code.

30
31 v. The basis for requesting the deviation is not the direct result of a past action
32 by the current or prior property owner.

33
34 vi. The setback deviation is associated with the approval of development of a
35 single lot or subdivision that is constrained by critical areas or critical area
36 buffers.

37
38 vii. The building pad resulting from the proposed deviation will result in less
39 impact to critical areas or critical areas buffers.

40
41 viii. Yard setbacks shall not be reduced below the following minimums:

42
43 (A) . Front and rear setbacks may not be reduced to less than 10 feet
44 each;

(B) . Side setbacks may not be reduced to less than five feet.

J. Administrative Appeals.

1. Any party of record on a decision that may be administratively appealed may file a letter of appeal on the decision. Administrative appeals shall be filed with the city clerk within 14 days after the notice of decision, if a notice of decision is required, or after the effective date of the decision subject to appeal if no notice of decision is required. The term “party of record,” for the purposes of this chapter, shall mean any of the following:

- a. The applicant and/or property owner;
- b. Any person who testified at the open record public hearing on the application;
- c. Any person who individually submits written comments concerning the application for the open record public hearing, or to the code official prior to a decision on the project permit if there is no open record public hearing. Persons who have only signed petitions are not parties of record;
- d. The city of Mercer Island.

2. Appeals shall include the following information:

- a. The decision being appealed;
- b. The development code interpretation, if any, associated with the proposed appeal;
- c. The name and address of the appellant and his/her interest in the matter;
- d. The specific reasons why the appellant believes the decision to be wrong. The burden of proof is on the appellant to demonstrate that there has been substantial error, or the proceedings were materially affected by irregularities in procedure, or the decision was unsupported by evidence in the record, or that the decision is in conflict with the standards for review of the particular action;
- e. The desired outcome or changes to the decision; and
- f. The appeals fee, if required.

K. Expiration of Approvals.

1 1. General. Except for long and short subdivisions, building permits or ~~unless as~~ otherwise
2 conditioned in the approval process, permits shall expire one year from the date of notice of
3 decision if the activity approved by the permit is not exercised. ~~Responsibility for knowledge of~~
4 ~~the expiration date shall be with the applicant.~~

5 2. Long and short subdivision.

6
7 a. Once the preliminary plat for a long subdivision has been approved by the city, the
8 applicant has five years to submit a final plat meeting all requirements of this chapter to
9 the city council for approval.

10
11 b. Once the preliminary plat for a short subdivision has been approved by the city, the
12 applicant has one year to submit a final plat meeting all requirements of this chapter. A
13 plat that has not been recorded within one year after its preliminary approval shall
14 expire, becoming null and void. The city may grant a single one-year extension, if the
15 applicant submits the request in writing before the expiration of the preliminary
16 approval.

17
18 c. In order to renew an expired preliminary plat, a new application must be submitted.

19
20 3. Responsibility for knowledge of the expiration date shall be with the applicant.

21
22 L. Code Interpretations.

23 1. Upon ~~request formal application~~ or as determined necessary, the code official ~~shall may issue~~
24 a written interpretation of ~~interpret~~ the meaning or application of provisions of the
25 development code. In issuing the interpretation, the code official shall consider the following:

26 a. The plain language of the code section in question;

27 b. Purpose and intent statement of the chapters in question;

28 c. Legislative intent of the City Council provided with the adoption of the code sections
29 in question;

30 d. Policy direction provided by the Mercer Island Comprehensive Plan;

31 e. Relevant judicial decisions;

32 f. Consistency with other regulatory requirements governing the same or similar
33 situation;

34 g. The expected result or effect of the interpretation; and,

35 h. Previous implementation of the regulatory requirements governing the situation.

36 2. The code official may also bring any issue of interpretation before the planning commission
37 for determination. Anyone in disagreement with an interpretation by the code official may also
38 request a review ~~appeal of~~ the code official's interpretation ~~by to~~ the ~~planning~~
39 commission ~~hearing examiner~~.

1 Chapter 19.16
2 DEFINITIONS

3
4 Accessory Buildings: A separate building or a portion of the main building, the use of which is related to
5 and supports that of the main building on the same lot.

6 1. Attached Accessory Building: An accessory building that shares a portion of one of its walls
7 with the main building, is separated from the main building by less than five feet, or is attached
8 to the main building by a structure other than a fence.

9 2. Detached Accessory Building: An accessory building that does not share a portion of any of its
10 walls with the main building and is separated from the main building by more than five feet and
11 is not attached to the main building by a structure other than a fence or a pedestrian walkway.

12 For example, detached accessory buildings may include, but are not limited to, garages,
13 cabanas, guest rooms, and other similar buildings.

14 ...

15
16 Accessory Structure: A separate structure that is not an accessory building, but is accessory and
17 subordinate or incidental to the main building on the same lot including, but not limited to, the
18 following: decks, porches, fences, trellises, and similar structures.

19 ...

20
21
22 “Applicant” means a property owner or a public agency or private utility or any person or entity
23 designated or named in writing by the property or easement owner to be the applicant, in an
24 application for a development permit, land use application, or other city approval.

25 ...

26
27
28 Average Building Elevation: The reference point on the surface topography of a lot from which building
29 height is measured. The Elevation in the R-8.4, R-9.6, R-12, and R-15 zoning designations is established
30 by averaging the elevation at existing grade or finished grade, whichever is lower. The elevation in the P
31 zoning designation is established by averaging the elevation at existing grade. The elevation points to be
32 averaged shall be located at the center of all exterior walls of the completed building; provided:

33
34 1. Roof overhangs and eaves, chimneys and fireplaces, unenclosed projecting wall elements
35 (columns and fin walls), unenclosed and unroofed stairs, and porches, decks and terraces may
36 project outside exterior walls and are not to be considered as walls.

37
38 2. If the building is circular in shape, four points, 90 degrees apart, at the exterior walls, shall be
39 used to calculate the average building elevation.

40
41 ~~3. For Properties within the Town Center: If a new sidewalk is to be installed as the result of a~~
42 ~~new development, the midpoint elevation for those walls adjacent to the new sidewalk shall be~~
43 ~~measured from the new sidewalk elevation, rather than existing grade prior to development~~
44 ~~activity. The city engineer shall determine the final elevation of the sidewalk.~~

Formula: Average Building Elevation = (Weighted Sum of the Mid-point Elevations) ÷ (Total Length of Wall Segments)

Where: Weighted Sum of the Mid-point Elevations = The sum of: ((Mid-point Elevation of Each Individual Wall Segment) x (Length of Each Individual Wall Segment))

For example for a house with 10 wall segments:

$$\frac{(Axa) + (Bxb) + (Cxc) + (Dxd) + (Exe) + (Fxf) + (Gxg) + (Hxh) + (Ixi) + (Jxj)}{a + b + c + d + e + f + g + h + i + j}$$

Where: A, B, C, D... = The existing or finished ground elevation, whichever is lower, at midpoint of wall segment.

And: a, b, c, d... = The length of wall segment measured on outside of wall.

Average Building Elevation = (Mid-point Elevation of Individual Wall Segment) x (Length of Individual Wall Segment) ÷ (Total Length of Wall Segments)

...

Construction Work: Any construction or reconstruction creating more than 500 square feet of new gross floor area or impervious surface. Trees are considered cut as a result of construction work if done during the construction work, two-five years prior to commencement of the work or two-five years following completion of the work. For these purposes, commencement of the work shall be the date the initial permit for the work is issued by the city, and completion of the work shall be the date the city final a building permit.

...

Development proposal: The application for a permit or other approval from the City of Mercer Island relative to the use or development of land.

...

Development proposal site: The boundaries of the lot or lots for which an applicant has or should have applied for approval from the City of Mercer Island to carry out a development proposal.

...

Driveway: The vehicular access on to a lot containing one single family dwelling, or the required vehicular access to, or through, an area designed for parking.

...

1
2 Feasible ~~(SMP)~~: An action that is required to achieve project approval, such as a design requirement,
3 development project condition, mitigation, or preservation requirement, and that meets all of the
4 following conditions:

- 5 ~~(1)~~ 1. ~~†~~ The action can be accomplished with technologies and methods that have been used in
- 6 the past in similar circumstances, or studies or tests have demonstrated in similar circumstances
- 7 that such approaches are currently available and likely to achieve the intended results; ~~(2)~~
- 8 2. ~~†~~ The action provides a reasonable likelihood of achieving its intended purpose; and
- 9 3. ~~(3)~~ ~~†~~ The action does not physically preclude achieving the project’s primary intended legal
- 10 use. In cases where these guidelines require certain actions unless they are infeasible, the
- 11 burden of proving infeasibility is on the applicant. In determining an action’s infeasibility, the
- 12 reviewing agency may weigh the action’s relative public costs and public benefits, considered in
- 13 the short- and long-term time frames.

14 ...
15 ...
16 ...
17 Floor: The continuous, supporting surface extending horizontally through a building or structure that
18 serves as the level base of a room upon which a person stands or travels.

19 ...
20 ...
21 ...
22 Formal design review: Design review conducted by the Design Commission.

23 ...
24 ...
25 ...
26 Gross Floor Area: The total square footage of floor area bounded by the exterior faces of the building.

- 27 1. The gross floor area of a single-family dwelling shall include:
- 28 a. The main building, including but not limited to attached accessory buildings.
- 29 b. All garages and covered parking areas, and detached accessory buildings with a gross
- 30 floor area over 120 square feet.
- 31 c. That portion of a basement which projects above the lower of existing grade or
- 32 finished grade as defined and calculated in Appendix B of this development code.
- 33 d. Stair cases.
- 34 e. Decks that are attached to the second or third story of a single family dwelling and
- 35 are covered by a roof. For the purposes of calculating the gross floor area of covered
- 36 decks, the entire deck area covered by the roof shall be accounted for as floor area,
- 37 provided an 18” eave extending beyond the edge of the deck shall not be included in
- 38 the gross floor area.
- 39 f. Space under stairways or stairwells that is used, for example, as a closet or storage
- 40 space if that space meets the definition of “Floor”.

41 2. The gross floor area of a single family dwelling does not include:

- 42 a. Second- or third-story uncovered decks, or uncovered rooftop decks.

43 3. In the Town Center, gross floor area is the area included within the surrounding exterior
44 finish wall surface of a building, excluding courtyards and parking surfaces.

1
2 ...
3
4 Tree, Exceptional: A tree or group of trees that because of its unique historical, ecological, or aesthetic
5 value constitutes an important community resource. An exceptional tree is a tree that is rare or
6 exceptional by virtue of its size, species, condition, cultural / historic importance, age, and / or
7 contribution as part of a tree grove. Trees with a diameter of more than 36 inches, or with a diameter
8 that is equal to or greater than the diameter listed in the Exceptional Tree Table are considered
9 exceptional trees:

Exceptional Tree Table

<u>Species</u>	<u>Threshold Diameter</u>
<u>Native Species</u>	
<u>Oregon ASH – <i>Fraxinus latifolia</i></u>	<u>2 ft</u>
<u>Quaking ASPEN – <i>Populus tremuloides</i></u>	<u>1 ft</u>
<u>Paper BIRCH – <i>Betula papyrifera</i></u>	<u>1 ft 8 in</u>
<u>CASCARA – <i>Rhamnus purshiana</i></u>	<u>8 in</u>
<u>Western Red CEDAR – <i>Thuja plicata</i></u>	<u>2 ft 6 in</u>
<u>Pacific CRABAPPLE – <i>Malus fusca</i></u>	<u>1 ft</u>
<u>Pacific DOGWOOD – <i>Cornus nuttallii</i></u>	<u>6 in</u>
<u>Douglas FIR – <i>Pseudotsuga menziesii</i></u>	<u>2'6 in</u>
<u>Grand FIR – <i>Abies grandis</i></u>	<u>2 ft</u>
<u>Black HAWTHORN – <i>Crataegus douglasii</i></u>	<u>6 in</u>
<u>Western HEMLOCK – <i>Tsuga heterophylla</i></u>	<u>2 ft</u>
<u>MADRONA – <i>Arbutus menziesii</i></u>	<u>6 in</u>
<u>Bigleaf MAPLE – <i>Acer macrophyllum</i></u>	<u>2 ft 6 in</u>
<u>Dwarf or Rocky Mountain MAPLE – <i>Acer glabrum</i> var. <i>Douglasii</i></u>	<u>6 in</u>
<u>Vine MAPLE – <i>Acer circinatum</i></u>	<u>8 in</u>
<u>Oregon White or Garry OAK – <i>Quercus garryana</i></u>	<u>6 in</u>
<u>Lodgepole PINE – <i>Pinus contorta</i></u>	<u>6 in</u>
<u>Shore PINE – <i>Pinus contorta</i> 'contorta'</u>	<u>1 ft</u>
<u>Western White PINE – <i>Pinus monticola</i></u>	<u>2 ft</u>
<u>Western SERVICEBERRY – <i>Amelanchier alnifolia</i></u>	<u>6 in</u>
<u>Sitka SPRUCE – <i>Picea sitchensis</i></u>	<u>6 in</u>
<u>WILLOW (All native species) – <i>Salix</i> sp. (<i>Geyeriana</i> ver <i>meleina</i>, <i>eriocephala</i> ssp. <i>mackenzieana</i>, <i>Hookeriana</i>, <i>Piperi</i>, <i>Scouleriana</i>, <i>sitchensis</i>)</u>	<u>8 in</u>
<u>Pacific YEW – <i>Taxus brevifolia</i></u>	<u>6 in</u>
<u>Non-native Species</u>	
<u>Orchard (Common) APPLE – <i>Malus</i> sp.</u>	<u>1 ft 8 in</u>
<u>European ASH – <i>Fraxinus excelsior</i></u>	<u>1 ft 10 in</u>
<u>Green ASH – <i>Fraxinus pennsylvanica</i></u>	<u>2 ft 6 in</u>
<u>Raywood ASH – <i>Fraxinus oxycarpa</i></u>	<u>2 ft</u>
<u>European BEECH – <i>Fagus sylvatica</i></u>	<u>2 ft 6 in</u>

<u>European White BIRCH – <i>Betula pendula</i></u>	<u>2 ft</u>
<u>Atlas CEDAR – <i>Cedrus atlantica</i></u>	<u>2 ft 6 in</u>
<u>Deodor CEDAR – <i>Cedrus deodara</i></u>	<u>2 ft 6 in</u>
<u>Incense CEDAR – <i>Calocedrus decurrens</i></u>	<u>2 ft 6 in</u>
<u>Flowering CHERRY – <i>Prunus sp. (serrula, serrulata, sargentii, subhirtella, yedoensis)</i></u>	<u>1 ft 11 in</u>
<u>Lawson CYPRESS – <i>Chamaecyparis lawsoniana</i></u>	<u>2 ft 6 in</u>
<u>Kousa DOGWOOD – <i>Cornus kousa</i></u>	<u>1 ft</u>
<u>Eastern DOGWOOD – <i>Cornus florida</i></u>	<u>1 ft</u>
<u>American ELM – <i>Ulmus americana</i></u>	<u>2 ft 6 in</u>
<u>English ELM – <i>Ulmus procera</i></u>	<u>2 ft 6 in</u>
<u>GINGKO – <i>Ginkgo biloba</i></u>	<u>2 ft</u>
<u>Common HAWTHORN <i>Crataegus laevigata</i></u>	<u>1 ft 4 in</u>
<u>Washington HAWTHORN – <i>Crataegus phaenopyrum</i></u>	<u>9 in</u>
<u>European HORNBEAM – <i>Carpinus betulus</i></u>	<u>1 ft 4 in</u>
<u>KATSURA – <i>Cercidiphyllum japonicum</i></u>	<u>2 ft 6 in</u>
<u>Littleleaf LINDEN – <i>Tilia cordata</i></u>	<u>2 ft 6 in</u>
<u>Honey LOCUST – <i>Gleditsia triacanthos</i></u>	<u>1 ft 8 in</u>
<u>Southern MAGNOLIA – <i>Magnolia grandiflora</i></u>	<u>1 ft 4 in</u>
<u>Paperbark MAPLE – <i>Acer griseum</i></u>	<u>1 ft</u>
<u>Japanese MAPLE – <i>Acer palmatum</i></u>	<u>1 ft</u>
<u>Red MAPLE – <i>Acer rubrum</i></u>	<u>2 ft 1 in</u>
<u>Sugar MAPLE – <i>Acer saccharum</i></u>	<u>2 ft 6 in</u>
<u>Sycamore MAPLE – <i>Acer pseudoplatanus</i></u>	<u>2 ft</u>
<u>MONKEY PUZZLE TREE – <i>Araucaria araucana</i></u>	<u>1 ft 10 in</u>
<u>MOUNTAIN-ASH – <i>Sorbus aucuparia</i></u>	<u>2 ft 5 in</u>
<u>Pin OAK – <i>Quercus palustris</i></u>	<u>2 ft 6 in</u>
<u>Red OAK – <i>Quercus rubra</i></u>	<u>2 ft 6 in</u>
<u>Callery PEAR – <i>Pyrus calleryana</i></u>	<u>1 ft 1 in</u>
<u>Austrian Black PINE – <i>Pinus nigra</i></u>	<u>2 ft</u>
<u>Ponderosa PINE – <i>Pinus ponderosa</i></u>	<u>2 ft 6 in</u>
<u>Scot's PINE – <i>Pinus sylvestris</i></u>	<u>2 ft</u>
<u>London PLANE – <i>Platanus acerifolia</i></u>	<u>2 ft 6 in</u>
<u>Flowering PLUM – <i>Prunus cerasifera</i></u>	<u>1 ft 9 in</u>
<u>Coastal REDWOOD – <i>Sequoia sempervirens</i></u>	<u>2 ft 6 in</u>
<u>Giant SEQUOIA – <i>Sequoiadendron giganteum</i></u>	<u>2 ft 6 in</u>
<u>Japanese SNOWBELL – <i>Styrax japonica</i></u>	<u>1 ft</u>
<u>American SWEETGUM – <i>Liquidambar styraciflua</i></u>	<u>2 ft 3 in</u>
<u>TULIP TREE – <i>Liriodendron tulipifera</i></u>	<u>2 ft 6 in</u>
<u>WILLOW (All non-native species)</u>	<u>2 ft</u>

1
2
3

...

1 Tree, Grove: A grove means a group of 8 or more trees each 10 inches or more in diameter that form a
2 continuous canopy. Trees that are part of a grove shall also be considered exceptional trees, unless they
3 also meet the definition of a hazardous tree.

4
5 ...

6
7 Large (Regulated) Tree, Large (Regulated): Any conifer tree that is six feet tall with a diameter of 10
8 inches or more, and any tree that meets the definition of an exceptional tree, or any deciduous tree
9 with a diameter of more than six inches.

10
11 ...

12
13 Small Tree, Small: Any conifer tree that is less than six feet tall with a diameter of less than 10 inches or
14 any deciduous tree with a diameter of six inches or less. Small trees do not include any tree that meets
15 the definition of an exceptional tree.

16
17 ...

18
19 Hazardous Tree, Hazardous: Any tree that receives an 11 or 12 rating under the International Society of
20 Arboricultural rating method set forth in Hazard Tree Analysis for Urban Areas (copies of this manual are
21 available ~~form~~ from the city arborist) and may also mean any tree that receives a 9 or 10 rating, at the
22 discretion of the city arborist.

23
24 ...

25
26 Hardscape: The solid, hard, elements or structures that are incorporated into landscaping. The
27 hardscape includes, but is not limited to, structures other than buildings, paved areas other than driving
28 surfaces, stairs, walkways, decks, patios, and similar constructed elements. The hardscape within
29 landscaping is usually made up of materials that include, but are not limited to wood, stone, concrete,
30 gravel, and permeable pavements or pavers, and similar materials. Hardscape does not include solid,
31 hard elements or structures that are covered by a minimum of two feet of soil intended for softscape
32 (for example, a septic tank covered with at least two feet of soil and planted shrubs is not hardscape).
33 Hardscape areas do not include driving surfaces or buildings.

34
35 ...

36
37 Landscaping: The arrangement and planting of softscape elements (e.g. trees, grass, shrubs and
38 flowers), and the installation of hardscape elements (e.g. placement of fountains, patios, street furniture
39 and ornamental concrete or stonework).

40
41 ...

42 Lot, Large: A lot that contains sufficient area, and is of sufficient dimension, to be subdivided. Large lots
43 shall contain a minimum net lot area as follows:

- 44 1. R-8.4: 16,800 square feet.
- 45 2. R-9.6: 19,200 square feet.

1 3. R-12: 24,000 square feet.

2 4. R-15: 30,000 square feet.

3 ...

4
5 Lot area: The area contained within the established boundaries of a lot. The lot area includes, but is not
6 limited to, areas encumbered by critical areas, shorelines, and public or private easements.

7
8 ...

9 Lot area, net: The area contained within the established boundaries of a lot, less any area used for public
10 or private vehicular access easements, excluding that portion of the easement used for a driveway
11 access to the encumbered lot.

12 For example, the net lot area of a lot encumbered by a private vehicle access easement with an area of
13 1,000 square feet and of which, 400 square feet of the vehicle access easement is used for a driveway to
14 a home on the encumbered lot, is the area within the established boundaries of the lot less 600 square
15 feet.

16
17 ...

18
19 Lot coverage, maximum: The maximum area of a residentially zoned lot that may be covered by a
20 combination of buildings and vehicular driving surfaces.

21
22 ...

23
24 Reasonable Best Efforts: In cases where the code requires “reasonable best efforts” to comply with
25 standards, the burden of proving that reasonable best efforts have been taken, and compliance is
26 infeasible, is on the applicant. In determining whether reasonable best efforts have been taken the Code
27 Official may weigh the applicant’s actions to comply with the applicable standard and the action’s
28 relative costs to the applicant and public benefits, considered in the short- and long-term time frames.
29 The Code Official may also evaluate whether an applicant’s prior actions have contributed to the
30 applicant’s inability to comply with the applicable standard.

31 ...

32
33 Qualified Arborist: means an individual with relevant education and training in arboriculture or urban
34 forestry, having the International Society of Arboriculture (ISA) Tree Risk Assessment Qualification and
35 one (1) of the following credentials:

36
37 1. ISA Certified Arborist;

38 2. ISA Certified Arborist Municipal Specialist;

39 3. ISA Board Certified Master Arborist;

40 4. American Society of Consulting Arborists (ASCA) registered Consulting Arborist;

41 5. Society of American Foresters (SAF) Certified Forester for Forest Management Plans;

42
43 For tree retention reviews associated with a development proposal, a qualified arborist must have, in
44 addition to the above credentials, a minimum of three (3) years’ experience working directly with the

1 protection of trees during construction and have experience with the likelihood of tree survival after
2 construction. A qualified arborist must also be able to prescribe appropriate measures for the
3 preservation of trees during land development. Any provision in Title 19 of the Mercer Island City Code
4 referring to using an arborist shall be interpreted to require using a Qualified Arborist.
5

6 ...

7
8 Softscape: The living or unhardened elements that are incorporated into landscaping. The softscape
9 generally includes plants, flower beds, tree retention areas, uncovered dirt, compost or mulched areas,
10 wetlands, and wetland or watercourse buffers.
11

12 ...

13
14 Street: An improved or unimproved public or private right-of-way or easement which affords or could be
15 capable of affording vehicular access to property.

16 1. Collector Arterial: A street designed to collect and distribute traffic from major arterials to the
17 local access streets. The collector arterial is similar to a local access street except for stop and
18 yield privileges over a local access street and restrictions for on street parking.

19 2. Local Access Street: A street designated for direct access to properties, and which is tributary
20 to the arterial system.

21 3. Major Arterial Street: A street designed to collect and distribute large volumes of traffic from
22 the freeway, Town Center and less important arterial streets. This type of arterial normally is
23 designed to expedite through traffic.

24 4. Second Arterial Street: A street designed to collect and distribute traffic from the freeway or
25 major arterials and less important streets.

26 6. Driveways are not streets.
27

APPENDIX B BASEMENT FLOOR AREA CALCULATION

The Mercer Island Development Code excludes that portion of the basement floor area from the Gross Floor Area which is below the existing or finished grade, whichever is lower. That portion of the basement which will be excluded is calculated as shown.

Portion of Excluded Basement Floor Area =

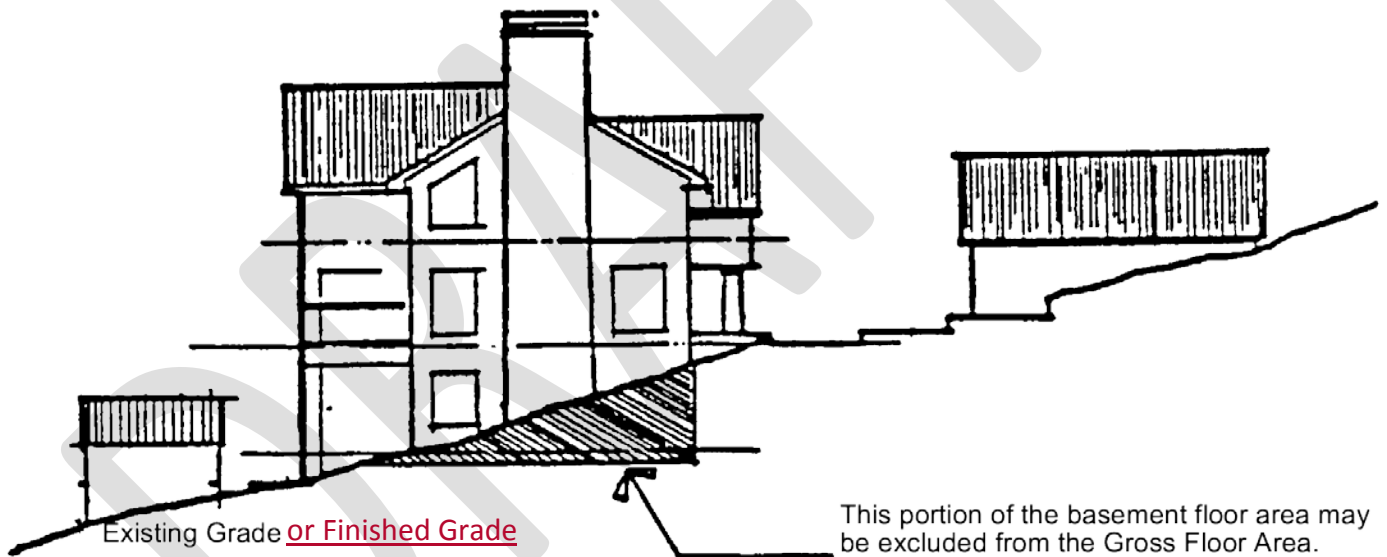
Total Basement Area x $\frac{\Sigma(\text{Wall Segment Coverage} \times \text{Wall Segment Length})}{\text{Total of all Wall Segment lengths}}$

Where the terms are defined as follows:

TOTAL BASEMENT AREA is the total amount of all basement floor area.

WALL SEGMENT COVERAGE is the portion of an exterior wall below existing or finished grade, whichever is lower. It is expressed as a percentage. (Refer to example.)

WALL SEGMENT LENGTH is the horizontal length of each exterior wall in feet.



EXAMPLE OF BASEMENT FLOOR AREA CALCULATION

This example illustrates how a portion of the basement floor area may be excluded from the Gross Floor Area. In order to complete this example, the following information is needed.

- A. A topographic map of the existing grades and the proposed finished grades.
- B. Building plans showing dimensions of all exterior wall segments and floor areas.
- C. Building elevations showing the location of existing grades and proposed finished in relation to basement level.

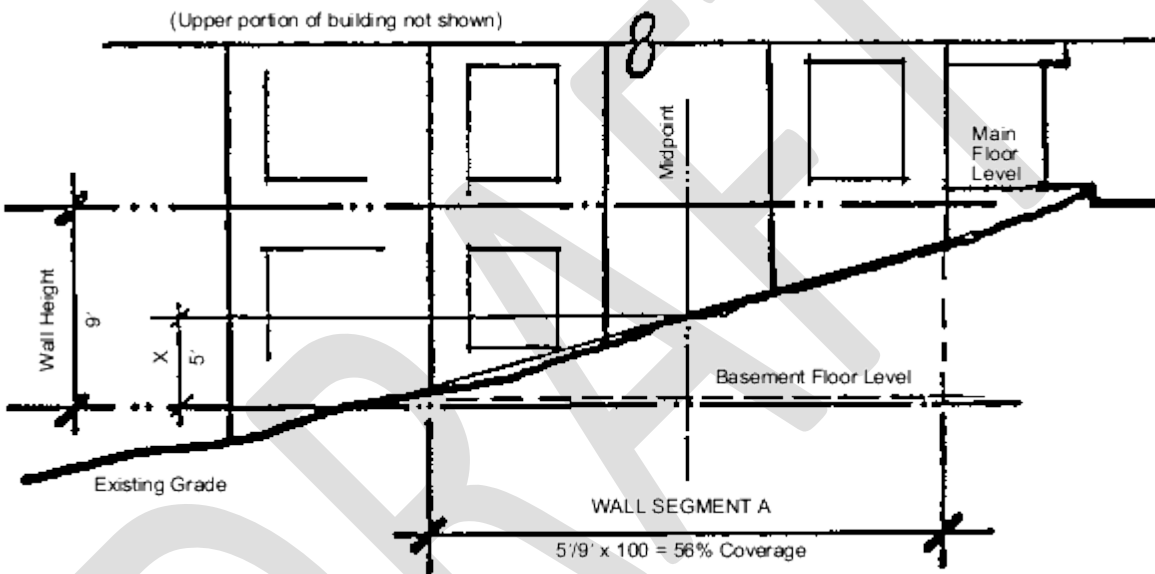
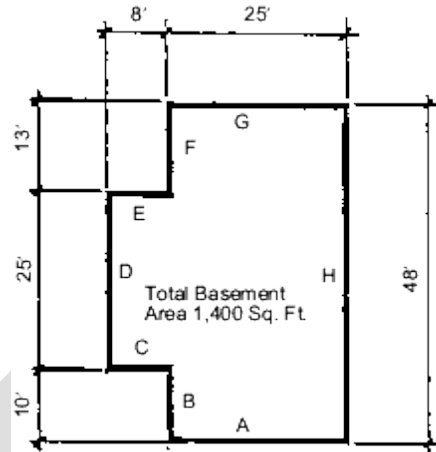
Step One

1 Determine the number and lengths of the Wall Segments.

2 Step Two

3 Determine the Wall Segment Coverage (in %) for each Wall Segment.

4 In most cases this will be readily apparent, for example a downhill
 5 elevation which is entirely above existing grade or will be entirely
 6 above finished grade. In other cases where the existing or finished
 7 grade contours are complex, an averaging system shall be used.
 8 (Refer to illustration.)



9

10 Step Three

11 Multiply each Wall Segment Length by the percentage of each Wall Segment Coverage and add these results
 12 together. Divide that number by the sum of all Wall Segment Lengths. This calculation will result in a
 13 percentage of basement wall which is below grade. (This calculation is most easily completed by compiling a
 14 table of the information as illustrated below.)

15 Table of Wall Lengths and Coverage

Wall Segment	Length	Coverage	Result
A	25x	56%	14x%
B	10x	0%	0x%
C	8x	0%	0x%
D	25x	0%	0x%

E	8x	0%	0x%
F	13x	0%	0x%
G	25x	60%	15x%
H	48x	100%	48x%
Totals	162x	NA	77x%

1 Step Four

2 Multiply the Total Basement Floor Area by the above percentage to determine the Excluded Basement Floor
3 Area.

Portion of Excluded Basement Floor Area =

=1,400 Sq. Ft. x

$$(25x \times 56\% + 10x \times 0\% + \dots + 25x \times 60\% + 48x \times 100\%)$$

162x

=1,400 Sq. Ft. x 47.53%

=665.42 Sq. Ft. Excluded from the Gross Floor Area

4
5
6

1
2

APPENDIX G
CALCULATING AVERAGE BUILDING ELEVATION (ABE)

DRAFT

CITY OF MERCER ISLAND

9611 S. E. 36th Street, Mercer Island, Washington 98040 206.236.5300

Calculating Average Building Elevation (ABE)

NOTE: INCOMPLETE AVERAGE BUILDING ELEVATION INFORMATION COULD SUBSTANTIALLY DELAY THE PROCESSING OF YOUR APPLICATION

No part of a structure may exceed 30 feet in height above the "Average Building Elevation" to the top of the structure, except that on the downhill side of a sloping lot the structure shall not extend to a height greater than 35 feet measured from existing grade to the top plate of the roof; provided the roof ridge does not exceed 30 feet in height above the "Average Building Elevation."
 ABE is defined as: The elevation established by averaging the elevation of the existing grade, prior to any development activity, at the center of all exterior walls of a building or structure.

AVERAGE BUILDING ELEVATION FORMULA

$$= \frac{(\text{Midpoint Elevations}) \times (\text{Length of Wall Segments})}{(\text{Total Length of Wall Segments})}$$

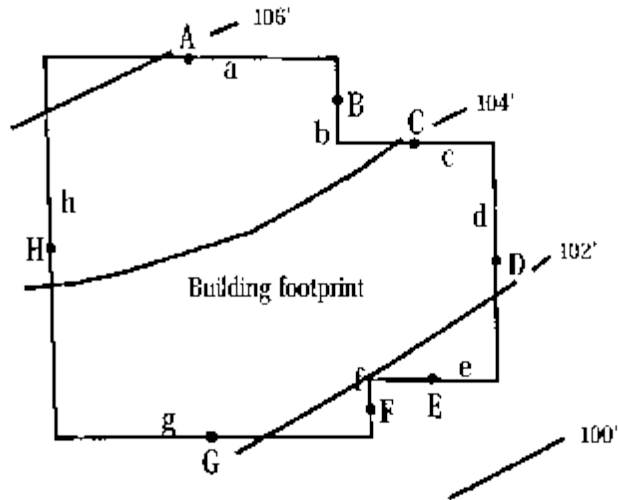
-OR-

$$= \frac{(Aa)+(Bb)+(Cc)+(Dd)+(Ee)+(Ff)+(Gg)+(Hh)}{a + b + c + d + e + f + g + h}$$

WHERE: A,B,C,D... = Existing Ground Elevation at Midpoint of Wall Segment
 AND: a,b,c,d... = Length of Wall Segment Measured on Outside of Wall

MIDPOINT ELEVATION
A = 105.9'
B = 104.7'
C = 103.7'
D = 102.2'
E = 101.6'
F = 101.7'
G = 102.2'
H = 104.5'

WALL SEGMENT LENGTH
a = 30'
b = 9'
c = 17'
d = 25'
e = 13'
f = 6'
g = 34'
h = 40'



NOTE: This example is not to scale. Site plans submitted to the building department must be to scale.

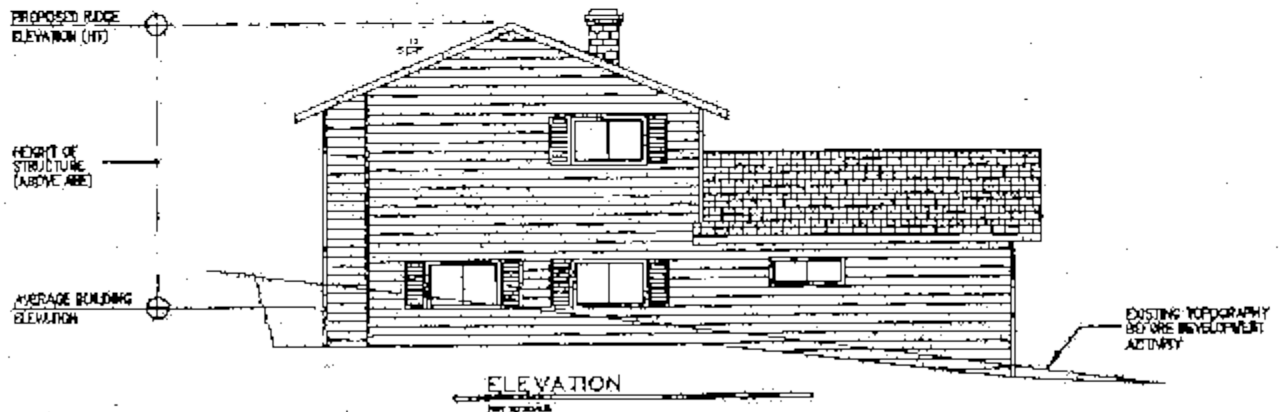
CALCULATION:

$$\frac{(105.9)(30)+(104.7)(9)+(103.7)(17)+(102.2)(25)+(101.6)(13)+(101.7)(6)+(102.2)(34)+(104.5)(40)}{30 + 9 + 17 + 25 + 13 + 6 + 34 + 40} = \frac{18023}{174} = 103.6' = \text{Average Building Elevation (ABE)}$$

BEFORE SUBMITTING YOUR CONSTRUCTION DRAWINGS, CHECK TO SEE THAT YOU HAVE PROVIDED THE INFORMATION BELOW.

- The site plan and the elevation drawings must be drawn to scale, for example 1"=20', and based on a survey.
- Clearly show existing topography on your site plan. Topography should be shown in 2' increments.
- Submit (with the site plan) your average building elevation calculations using the formula provided on the front side of this page.
- Indicate on an elevation drawing where the average building elevation strikes the building and the proposed ridge elevation (see below for example).
- Indicate on the site plan the elevation of the finished floor or garage slab.
- Indicate the elevation and location of a fixed point (benchmark) within the ADJACENT RIGHT-OF-WAY or other point approved by the Building Official. The benchmark elevation and location must be provided and cannot be a part of the proposed structure. Note: Benchmark must be established, verified by a licensed surveyor and remain during construction so height can be verified when completed.
- Sections of the structure that are below the existing grade and do not have a wall that extends above the existing grade, are not used in the ABE calculation.
- ~~For additions, you must provide an average building elevation calculation for the entire structure.~~

CROSS-SECTION REPRESENTATION OF ABE



1
2



DEVELOPMENT SERVICES GROUP
9611 SE 36TH ST., MERCER ISLAND, WA 98040
(206) 275-7605



TO: City Council
FROM: Planning Commission
DATE: June 5, 2017
RE: ZTR16-004 - Residential Development Standards – Accompanying Recommendations

Summary

This memo is intended to summarize the Planning Commission’s accompanying recommendation to the City Council. The Planning Commission identified a number of items during the review of the Residential Development Standards that appear to require additional Council review and action.

The Planning Commission recommends that the City Council direct the Planning Commission to:

1. Consider legislation related to providing increased opportunities for duplexes, townhomes, and / or cottage housing in single-family zones
2. Evaluate the zoning designations established within the City for consistency with on-the-ground conditions and the Comprehensive Plan to: A) determine if the transition between zoning designations is appropriate; and B) determine if current zoning designations adequately match on-the-ground development patterns.
3. Consider creating a “site plan” or “land use” review process for all residential projects in Chapter 19.15 MICC and to require pre-application review for complex projects.
4. Evaluate the Residential Development Standards code amendment in 3 to 5 years to determine its effectiveness.
5. Evaluate the provisions related to non-conforming structures, sites, lots and uses to determine if further amendments are necessary following the adoption of the proposed residential development standards.
6. Evaluate the subdivision design standards to determine if the required infrastructure design (e.g. water, sewer, street and vehicle access, and storm water) requirements are consistent with the Comprehensive Plan.
7. Evaluate the provisions that require a long plat to divide property that has an area of more than 4 acres in area.
8. Re-evaluate the effect of the proposed amendments to the residential development standards after a specified period of time (3 to 5 years following adoption) and report back to the City Council.

Other recommendations:

9. Request the City Council to fund a full time city arborist for plan review in the Development Services Group.
10. Request staff to create comprehensive "Client Assistance" memorandums to clarify permitting processes
11. Designate the former Boys and Girls club property for landmark protection before it is developed.
12. Create a mechanism for easy cross-references within the Mercer Island City Code.



**BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND, WA**

**AB 5339
September 5, 2017
Regular Business**

2016 YEAR-END SURPLUS DISPOSITION

Proposed Council Action:

Transfer \$1,035,704 available General Fund surplus to Contingency Fund or \$500,000 to Capital Reserve Fund and \$535,704 to Contingency Fund.

DEPARTMENT OF	Finance (Chip Corder)
COUNCIL LIAISON	n/a
EXHIBITS	n/a
2017-2018 CITY COUNCIL GOAL	4. Address the City's Financial Challenges
APPROVED BY CITY MANAGER	

AMOUNT OF EXPENDITURE	\$	n/a
AMOUNT BUDGETED	\$	n/a
APPROPRIATION REQUIRED	\$	n/a

SUMMARY

The 2016 year-end surplus consists of the following:

- **General Fund:** Excess revenues (actual > budget) + expenditure savings (actual < budget)
- **Real estate excise tax (REET):** Excess revenue (actual > budget)

The disposition of the year-end surplus gives the Council an opportunity to address one-time operating, capital, and reserve funding needs outside of the biennial budget process. The major funding needs are noted below:

- **Projected 2019 deficit:** \$2.0 million in General Fund and Youth & Family Services (YFS) Fund combined.
- **Contingency Fund 2017 target balance:** \$199,115 needed to meet target at end of 2017 (target = 10% of General Fund budgeted expenditures).
- **Open Space / Vegetation Management:** \$160,000 is needed in 2018 to avoid losing ground in the 2017-2018 biennium due to a dramatic increase in the cost of contracted restoration work.
- **Soil remediation fix at Maintenance Center/Honeywell property:** \$392,000-\$788,000 estimate per Farallon Consulting (a solid cost estimate is expected in October 2017).
- **Maintenance Center renovation/expansion:** \$5.92 million updated cost estimate per architect.

The calculation of the \$199,115 in additional funding needed to meet the 2017 Contingency Fund target is provided below:

Originally adopted 2017 General Fund budget	\$29,436,000
Originally adopted 2017 Criminal Justice Fund budget (combined with General Fund in 2017)	+ 599,441
Total 2017 General Fund budget	\$30,035,441
Per Contingency Fund budget policy	x 10%
2017 Contingency Fund target balance	\$3,003,544
Contingency Fund balance, 12/31/16	- 2,629,429
Estimated 2017 interest revenue in Contingency Fund	- 175,000
Additional funding needed to meet target at end of 2017	\$199,115

The 2016 year-end surplus calculation for the General Fund and REET, along with staff's recommendation, are summarized below.

2016 General Fund Surplus

Budgeted beginning fund balance (2016)	\$1,726,226
Plus 2016 actual revenues	+ 29,204,164
Less 2016 actual expenditures	- 28,547,893
Total 2016 surplus before deductions	\$2,382,497
Less property tax and investment interest dedicated to LEOFF I retiree long-term care reserve	- 89,815
Less DSG technology surcharge net of related expenditures (dedicated to DSG technology reserve)	- 22,609
Less unused balance of \$80K budgeted for LEOFF I retiree long-term care costs (goes to reserve)	-39,640
Less 2016 expenditure carryovers to 2017 budget	-106,555
Less budgeted beginning fund balance in 2017 and 2018 (Council approved use of 2016 surplus)	- 1,103,279
Total 2016 available surplus	\$1,020,599
Plus unused portion of 2015 General Fund surplus	+ 15,105
Total 2015 & 2016 available surplus	\$1,035,704

The 2016 surplus was driven by the high level of development activity on the Island, resulting in construction-related sales tax and development fees that were much higher than what was budgeted.

In terms of the disposition of the available General Fund surplus, **staff recommends either of the following two options:**

- 1. Transfer \$1,035,704 to the Contingency Fund given the \$2.0 million projected deficit in the General Fund and the YFS Fund combined in 2019.** This funding would remain in the Contingency Fund until the outcome of placing an operating levy lid lift on the November 6, 2018 ballot is known.
- 2. Transfer \$500,000 to the Capital Reserve Fund for the Maintenance Center renovation/expansion project, and transfer \$535,704 to the Contingency Fund for the same reason noted above under option 1.**

2016 REET Surplus

2016 actual REET	\$3,700,746
Less 2016 budgeted REET	- 3,147,000
Less excess 2016 REET programmed to be spent in 2017-2022 CIP	-404,006
Total 2016 available surplus	\$149,740

Per state law, REET can only be used for capital projects related to streets, parks, facilities, and utilities. **At its June 5, 2017 meeting, the Council committed the \$149,740 available REET surplus to the Island Crest Park Sportsfields Improvements project.** The project budget was formally amended by Ordinance No. 17-22, which was adopted by the Council at its September 5, 2017 meeting as part of AB 5338 (Second Quarter 2017 Financial Status Report & 2017-2018 Budget Adjustments).

RECOMMENDATION

Finance Director

MOVE TO: Option 1: Direct staff to transfer all of the available General Fund surplus from the 2015 and 2016 fiscal years, which amounts to \$1,035,704, to the Contingency Fund, leaving the one-time funding there until the outcome of placing an operating levy lid lift on the November 6, 2018 ballot is known.

Or, alternatively:

Option 2: Direct staff to transfer \$500,000 of the available General Fund surplus from the 2015 and 2016 fiscal years to the Capital Reserve Fund for the Maintenance Center renovation/expansion project and to transfer \$535,704 of the available General Fund surplus to the Contingency Fund, leaving the one-time funding there until the outcome of placing an operating levy lid lift on the November 6, 2018 ballot is known.



PLANNING SCHEDULE

Please email the City Manager & City Clerk when an agenda item is added, moved or removed.

Special Meetings and Study Sessions begin at 6:00 pm. Regular Meetings begin at 7:00 pm. Items are not listed in any particular order. Agenda items & meeting dates are subject to change.

SEPTEMBER 19		DUE TO:	9/08 D/P	9/11 FN	9/11 CA	9/12 Clerk
ITEM TYPE TIME TOPIC			STAFF		SIGNER	
EXECUTIVE SESSION (5:00-6:00 pm)						
60	Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for one hour					
STUDY SESSION (6:00-7:00 pm)						
60	Right of Way (ROW) Trees		Jason Kintner		Julie	
CONSENT CALENDAR						
--	Port of Seattle Grant Acceptance for Wayfinding Sign Program		Anne Tonella-Howe		Julie	
REGULAR BUSINESS						
60	Residential Development Standards Code Amendments (7th Reading and Adoption)		Evan Maxim		Julie	
30	2016 General Fund & REET Year-End Surplus Disposition		Chip Corder		Julie	
EXECUTIVE SESSION						
60	Executive Session to review the performance of a public employee pursuant to RCW 42.30.110(1)(g) for one hour					

OCTOBER 3		DUE TO:	9/22 D/P	9/25 FN	9/25 CA	9/26 Clerk
ITEM TYPE TIME TOPIC			STAFF		SIGNER	
STUDY SESSION (6:00-7:00 pm)						
60	Last/First Mile Solutions		Julie Underwood		Kirsten	
SPECIAL BUSINESS (7:00 pm)						
5	Domestic Violence Action Month Proclamation		Cindy Goodwin			
CONSENT CALENDAR						
PUBLIC HEARING						
REGULAR BUSINESS						
60	Essential Public Facilities Code Amendment (1 st Reading)		Scott Greenberg		Julie	
60	Transportation Concurrency Code Amendment (1 st Reading)		Scott Greenberg		Julie	
EXECUTIVE SESSION						

OCTOBER 17		DUE TO:	10/06 D/P	10/09 FN	10/09 CA	10/10 Clerk
ITEM TYPE TIME TOPIC				STAFF		SIGNER
EXECUTIVE SESSION						
STUDY SESSION (6:00-7:00 pm)						
60	Aubrey Davis Park Master Plan			Paul West		Julie
SPECIAL BUSINESS (7:00 pm)						
10	MIFD Citizen Recognition			Steve Heitman		--
CONSENT CALENDAR						
PUBLIC HEARING						
REGULAR BUSINESS						
30	Transportation Concurrency Code Amendment (2 nd Reading & Adoption)			Scott Greenberg		Julie
60	2017 Comprehensive Plan Amendments (1 st Reading)			Evan Maxim		Julie
30	Essential Public Facilities Code Amendment (2nd Reading and Adoption)			Scott Greenberg		Julie
10	"Turf Field" Definition Code Amendment			Paul West		Kirsten
30	Freeman Avenue Roadway Repair			Jason Kintner		Chip
EXECUTIVE SESSION						

OCTOBER 26 – 5:00-6:45 PM (SPECIAL MEETING)						
Special Joint Meeting with MISD Board						

NOVEMBER 7		DUE TO:	10/27 D/P	10/30 FN	10/30 CA	10/31 Clerk
ITEM TYPE TIME TOPIC				STAFF		SIGNER
STUDY SESSION (6:00-7:00 pm)						
SPECIAL BUSINESS (7:00 pm)						
CONSENT CALENDAR						
PUBLIC HEARING						
REGULAR BUSINESS						
30	2017 Comprehensive Plan Amendments (2nd Reading & Adoption)			Evan Maxim		
30	2018 Comprehensive Plan Amendment Docket			Evan Maxim		

EXECUTIVE SESSION					

NOVEMBER 21		DUE TO:	11/09 D/P	11/13 FN	11/13 CA	11/14 Clerk
ITEM TYPE TIME TOPIC				STAFF		SIGNER
STUDY SESSION (6:00-7:00 pm)						
SPECIAL BUSINESS (7:00 pm)						
CONSENT CALENDAR						
PUBLIC HEARING						
REGULAR BUSINESS						
60	2017-2018 Mid-Biennial Budget Review (Third Quarter 2017 Financial Status Report & Budget Adjustments, 2018 Utility Rates, and 2018 Property Tax Levy)			Chip Corder		
EXECUTIVE SESSION						

DECEMBER 5		DUE TO:	11/22 D/P	11/27 FN	11/27 CA	11/28 Clerk
ITEM TYPE TIME TOPIC				STAFF		SIGNER
STUDY SESSION (6:00-7:00 pm)						
SPECIAL BUSINESS (7:00 pm)						
CONSENT CALENDAR						
PUBLIC HEARING						
REGULAR BUSINESS						
30	2018 Legislative Priorities			Kirsten Taylor		Julie
EXECUTIVE SESSION						

OTHER ITEMS TO BE SCHEDULED:

- Code Enforcement Ordinance Update – A. Van Gorp (Q4 2017)
- Light Rail Station Design Oversight – J. Underwood
- Mercer Island Center for the Arts (MICA) Lease – K. Sand
- PSE Electric Franchise – K. Sand
- Zayo Telecom Franchise – K. Sand
- Parks waterfront structures long-term planning – P. West
- Six Year Sustainability Plan – R. Freeman
- Sound Transit/WSDOT Settlement Agreement – K. Sand
- General Sewer Plan Update – A. Tonella-Howe (Oct/Nov)
- Interlocal Agreement for Fire, Rescue and Emergency Medical Services (Heitman)
- Critical Areas Scope of Work – S. Greenberg
- ECityGov Alliance Update – M. Kaser

COUNCILMEMBER ABSENCES:

Wisenteiner: September 19
Weiker: October 3
Bassett: October 17

MISD BOARD JOINT MEETING DATES:

- Thursday, October 26, 2017, 5:00-6:45 pm
- Thursday, April 26, 2018, 5:00-6:45 pm