



CITY OF MERCER ISLAND

9611 SE 36th Street • Mercer Island, WA 98040-3732

(206) 275-7605 • FAX (206) 275-7726

www.mercergov.org

PRELIMINARY LOT LINE REVISION APPROVAL

NOTICE OF DECISION

October 31, 2016

Project Number:	SUB16-004
Description:	The proposal is a request for preliminary approval of a lot line revision between three existing residential lots and a portion of unplatted land.
Applicant:	Jim Dearth Ripple Design Studio, Inc. 1303 Stone Way N Seattle WA 98103
Owner:	Run Yong USA
Site Addresses:	8375 and 8383 E Mercer Way, Mercer Island, WA 98040 Identified by King County Tax Parcel Numbers 0321100145 and 0321100140
Zoning District:	R-8.4 and R-9.6
Exhibits:	1. Preliminary Lot Line Revision plan set prepared by Edwin J. Green, P.L.S. of Terrane, dated September 16, 2016. 2. Project application form dated May 10, 2016 3. Letter from Patrick Mullaney, Foster Pepper PLLC dated September 28, 2016

I. FINDINGS OF FACT

Lot Line Revisions are listed in Mercer Island City Code ("MICC") 19.15.010 as ministerial actions to be reviewed under the criteria in MICC 19.08. The Revised Code of Washington ("RCW") provides the legislative framework for the processing of land divisions. The following is an analysis of the criteria for approval.

- 1. MICC 19.08.020(E)(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.

MICC 19.15.020(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: [...] b. Lot line revision

Staff Analysis: *This project is categorically exempt from SEPA under WAC 197-11-800(6)(f), Land use decisions. A notice of application was not required because lot line revisions are specifically listed as a decision type not requiring notice if the project is categorically exempt from SEPA. Therefore, noticing procedures were correctly followed and this criterion is met.*

- MICC 19.15.020(E)(1) and 19.15.020(F)(1),** there is no public hearing requirement for a lot line revision. Notice of Decision is required to be published in the Development Services Group (DSG) Bulletin, per 19.15.020(H)(2). Per 19.15.020(H)(2), a Notice of Decision is required to be published in the City’s Weekly Permit Bulletin.

Staff Analysis: *Lot line revisions are ministerial decisions and therefore do not require public notice under 19.15.020(E)(1) nor a public hearing under 19.15.020(F)(1). The Notice of Decision will be published in the City’s Weekly Permit Bulletin, consistent with 19.15.020(H)(2).*

- MICC 19.08.030(E):** The area, width, and depth of each residential lot shall conform to the requirements for the zone in which the lot is located. Any lot which is located in two or more zones shall conform to the zoning requirements determined by the criteria set out in MICC 19.01.040(G)(2).

MICC 19.01.040(G)(2): Where a boundary between zones divides a lot into two or more pieces, the entire lot shall be deemed to be located in the first zone on the following list in which any part of the lot is located: R-15, R-12, R-9.6, R-8.4, MF-2L, MF-3, MF-2, P, PBZ, C-O, TC, and B. The location of the zone boundary shall be determined by use of the scale appearing on the zone map unless the location of the boundary is indicated by dimensions.

Staff Analysis: *There is a boundary between the R-9.6 and R-8.4 zones which divides the two existing parcels within the proposed lot line revision. Pursuant to section MICC 19.01.040(G)(2), each resulting parcel in the lot line revision shall be determined to be located in the R-9.6 zone.*

The standards for lot area, width, and depth are contained in MICC 19.02.020. The standards for the R-9.6 zone are an area of 9,600 square feet, lot width of at least 75 feet, and lot depth of at least 80 feet. Lot dimensions for the proposed lots are summarized as follows:

	Area	Width	Depth
R-9.6 Standard	9,600 square feet	75 feet	80 feet
<i>Parcel A</i>	<i>15,159 square feet</i>	<i>108.50 feet</i>	<i>145.00 feet (approx.)</i>
<i>Parcel B</i>	<i>12,934 square feet</i>	<i>101.50 feet</i>	<i>164.00 feet (approx.)</i>
<i>Parcel C</i>	<i>25,832 square feet</i>	<i>213.55 feet</i>	<i>124.06 feet</i>

All of the proposed parcels meets the area, width, and depth standards of the R-9.6 zone.

4. **RCW 58.17.040(6)**: The provisions of RCW 58.17 pertaining to subdivisions do not apply when: A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site;

Staff Analysis: *The proposed lot line adjustment proposed to alter the existing lot lines of three platted lots and a portion of unplatted land in order to create three reconfigured lots. No additional units of land are being created. As demonstrated above, the proposed lots meet the minimum dimensional standards for the zone in which the site is located.*

II. CONCLUSIONS OF LAW

Based on the above Findings of Facts, the following Conclusions of Law have been made:

1. The proposed lot line revision is consistent with applicable regulations.
2. The proposal meets the minimum lot area, width, and depth of each residential lot for the zone in which the lots are located.
3. All notations and corrections shall be made to the proposed lot line revision map, Exhibit 1, as required by Chapter 58.09 RCW, Chapter 332-130 WAC, and per MICC 19.08.050(C), prior to final approval and recording of the final lot line revision map. Please be advised that all signatures on the final mylar must be signed with permanent ink and notarized and sealed by a notary public.
4. Pursuant to MICC 19.08.020(F)(5)(b), in order for the lot line revision to become final, the applicant must submit and record final lot line revision drawings prepared in conformance with the standards in MICC 19.08. The City may grant a single one-year extension, if the applicant submits the request in writing before the expiration of the preliminary approval.

III. DECISION

Based upon the above noted Findings of Fact and Conclusions of Law, lot line revision application SUB16-004, as depicted in Exhibit 1, is hereby preliminarily **APPROVED**, provided the mylars for the final lot line revision shall be corrected to incorporate the following regulatory requirements. This decision is final, unless appealed in writing consistent with adopted appeal procedures. MICC 19.15.020(J), and all other applicable appeal regulations.

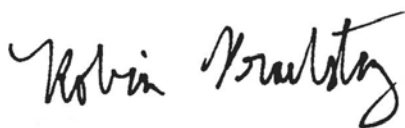
IV. REGULATORY REQUIREMENTS

The following regulatory requirements shall be binding on the "Applicant," which shall include owner or owners of the property, heirs, assigns, and successors.

1. The final lot line revision shall be designed substantially in conformance with Exhibit 1, and as required to be amended to comply with these regulatory requirements.

2. Sheet 3 of 4 shall be corrected to remove "wetland buffer" area from the calculation of net area, in order to remain consistent with MICC 19.02.020(A)(2).
3. The final lot line revision map shall meet the requirements set out in Chapter 58.09 RCW, Chapter 332-130 WAC, MICC Title 19, and all necessary corrections made prior to signing by the City of Mercer Island for approval, and prior to recording with King County.
4. The proposed and future development of this property shall comply with current zoning regulations or as amended at the time of development.
5. The Professional Land Surveyor or Professional Engineer shall sign and date each page.
6. Written verification from the surveyor that all property corners have been set shall be submitted prior to recording of the final lot line revision.
7. Certification by Washington registered civil engineer or land surveyor to the effect that the lot line revision represents a survey made by that person and that the monuments shown thereon exist as located and that all dimensional and geodetic details are correct.
8. The approved lot line revision shall be recorded with King County before issuance of any building permits. Any development of this site shall be done in accordance with all relevant Mercer Island regulations in effect at the time a complete building permit is submitted.
9. The applicant has one year to submit a final lot line revision meeting all requirements of the Conditions of Approval. A lot line revision 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.
10. The applicant's engineer/surveyor must submit to the City final drawings of the proposed lot line revision together with a current plat certificate prepared by a title company (the certificate shall have been issued not more than thirty (30) days before filing of the final lot line revision). After a thorough review of the drawings, your engineer/surveyor will be notified of any necessary corrections. Per MICC 19.08.050(C), one (1) copy of the final lot line revision photographic mylars and one (1) paper copy as well as any additional documents to be recorded shall be submitted to the City of Mercer Island Development Services Group. When all signatures have been obtained, the final lot line revision map must then be delivered by the applicant to King County for recording.
11. Please be advised that all signatures on the final mylar must be signed with permanent ink and notarized and sealed by a notary public. Final approval (recording of the mylar) does not convey real property. Conveyance of real property in accordance with the intent of the approved lot line revision map must be accomplished through an appropriate means of conveyance such as new deeds.

Approved this 31st day of October, 2016.



Robin Proebsting
Senior Planner
Development Services Group
City of Mercer Island

Parties of record have the right to appeal this decision. If you desire to file an appeal, you must submit the appropriate form, available from the Development Services Group, and file it with the City Clerk within fourteen (14) days from the date this decision is signed. Upon receipt of a timely complete appeal application and appeal fee, an appeal hearing will be scheduled. To reverse, modify or remand this decision, the appeal hearing body must find that there has been substantial error, the proceedings were materially affected by irregularities in procedure, the decision was unsupported by material and substantial evidence in view of the entire record, or the decision is in conflict with the city's applicable decision criteria.

Please note that the City will provide notice of this decision to the King County Department of Assessment, as required by State Law (RCW 36.70B.130). Pursuant to RCW 84.41.030(1), affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation by contacting the King County Department of Assessment at (206) 296-7300.



City of Mercer Island

9611 SE 36th Street • Mercer Island, WA 98040-3732
 PHONE (206) 275-7605 • FAX (206) 275-7726
www.mercergov.org • www.mybuildingpermit.com

Development Application

CITY USE ONLY		
PERMIT #	RECEIPT #	FEE
DATE RECEIVED		
BY		

STREET ADDRESS/LOCATION 8375 + 8383 E MERCER WAY MERCER ISLAND, WA 98040	ZONE R8.4
COUNTY ASSESSOR PARCEL #'S PIN 0321100145 + 0321100140	PARCEL SIZE (SQ. FT.) TOTAL: 49,831 FT ² (8383: 32,316 FT ²) (8375: 17,515 FT ²)

PROPERTY OWNER RUN YONG USA	ADDRESS 8375 + 8383 E MERCER WAY	CELL/OFFICE: E-MAIL:
PROJECT CONTACT NAME JIM DEARTH; RIPPLE DESIGN STUDIO, INC	ADDRESS 4303 STONE WAY N SEATTLE, WA 98103	CELL/OFFICE: 206.913.2333 E-MAIL: JIM@RIPPLEDESIGNSTUDIO.COM
TENANT NAME	ADDRESS	CELL PHONE: E-MAIL:

DECLARATION: I HEREBY STATE THAT I AM THE OWNER OF THE SUBJECT PROPERTY OR I HAVE BEEN AUTHORIZED BY THE OWNER(S) OF THE SUBJECT PROPERTY TO REPRESENT THIS APPLICATION, AND THAT THE INFORMATION FURNISHED BY ME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SIGNATURE

10 MAY 2016
DATE

PROPOSED APPLICATION(S) AND CLEAR DESCRIPTION OF PROPOSAL:

LOT LINE REVISION OF THREE UNDERLYING PARCELS

(Please use additional paper if needed) ATTACH RESPONSE TO DECISION CRITERIA IF APPLICABLE

CHECK TYPE OF USE PERMIT(S) REQUESTED (3% Technology Fee is included in fees below):

APPEALS

- Building (+cost of file preparation) \$837.39
- Land use (+cost of verbatim transcript) \$837.39

CRITICAL AREAS

- Determination \$2,591.48
- Reasonable Use Exception \$5,185.02

DESIGN REVIEW

- Administrative Review (of sign & colors) \$415.09
- Administrative Review (of other than sign & colors) \$692.16
- Change to Final Design Approval \$692.16
- Design Commission Study Session \$692.16

DESIGN REVIEW & WIRELESS COMMUNICATIONS FACILITIES

- \$0-5,000 \$692.16
- \$5,001-25,000 \$1,728.34
- \$25,001-50,000 \$2,592.51
- \$50,001-\$100,000 \$3,974.77
- Over \$100,001 Valuation \$6,913.36

DEVIATIONS

- Changes to antenna requirements \$1,728.34
- Change to Open Space \$1,728.34
- Fence Height \$864.17

DEVIATIONS (Continued)

- Setback Critical Areas \$2,592.51
- Impervious Surface (5% Lot overage) \$2,592.51
- Shoreline \$3,456.68
- Wet Season Construction Moratorium \$901.25

ENVIRONMENTAL REVIEW (SEPA)

- Checklist: Single Family Residential Use \$518.09
- Checklist: Non-Single Family Residential Use \$1,728.34
- Environmental Impact Statement (Revision = 40% of Fee) \$2,592.51

SHORELINE MANAGEMENT

- Exemption \$419.21
- Permit Revision \$692.16
- Semi-Private Recreation Tract (modify) \$692.16
- Semi-Private Recreation Tract (new) \$1,728.34
- Substantial Dev. Permit \$2,592.51

SUBDIVISION LONG PLAT

- 2-3 Lots \$8,641.70
- 4-5 Lots \$12,098.38
- 6 or greater \$15,555.06
- Subdivision Alteration to Existing Plat \$4,320.85
- Final Subdivision Review \$3,456.68

SUBDIVISION SHORT PLAT

- Two Lots \$4,320.85
- Three Lots \$5,185.02
- Four Lots \$6,049.19
- Deviation of Acreage Limitations \$864.17
- Short Plat Amendment \$2,159.91
- Final Short Plat Approval \$864.17

VARIANCES (Plus Hearing Examiner Fee)

- Type 1* \$3,456.68
- Type 2** \$1,913.74

OTHER LAND USE

- Accessory Dwelling Unit (ADU) \$173.04
- Code Interpretation Request (+\$139.05/hr over 6 hrs) \$838.42
- Comp Plan Amendment (CPA) \$3,974.77
- Conditional Use Permit (CUP) \$6,913.36
- Lot Line Revision \$2,592.51
- Lot Line Consolidation \$864.17
- Noise Variance (+\$139.05/hr over 3 hrs) \$419.21
- Reclassification of Property (Rezone) \$4,320.85
- Right-of-Way Encroachment Agreement (Requires Separate ROW Use Permit) \$512.94
- Zoning Code Text Amendment \$3,974.77

* Includes all variances of any type or purpose in all zones other than single family residential zone: B,C,O,PBZ,MF-2,MF2L,MF-2L, MF-3,TC,P)
 ** Includes all variances of any type or purpose in single family residential zone: R-8.4,R-9.6,R-12,R-15)

CITY USE ONLY

RUN YONG USA

MERCER ISLAND LOT LINE REVISION NO. SUB 16-004

DECLARATION

WE THE UNDERSIGNED OWNER(S) IN FEE SIMPLE [AND CONTRACT PURCHASER(S)] OF THE LAND HEREIN DESCRIBED, DO HEREBY MAKE A LOT LINE REVISION THEREOF PURSUANT TO RCW 58.17.060 AND DECLARE THIS LOT LINE REVISION TO BE THE GRAPHIC REPRESENTATION OF THE SAME, AND THAT SAID SHORT SUBDIVISION IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE OWNER(S).

IN WITNESS WHEREOF WE HAVE SET OUR HANDS AND SEALS.

BY: _____
RUN YONG USA

ACKNOWLEDGEMENTS

STATE OF WASHINGTON }
 } SS.
COUNTY OF KING }

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT _____ IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT HE/SHE SIGNED THIS INSTRUMENT, ON OATH STATED THAT HE/SHE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE _____ OF RUN YONG USA, TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2016.

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON

PRINTED NAME _____
MY COMMISSION EXPIRES _____

CITY OF MERCER ISLAND APPROVALS

EXAMINED AND APPROVED THIS _____ DAY OF _____, 2016.

CODE OFFICIAL

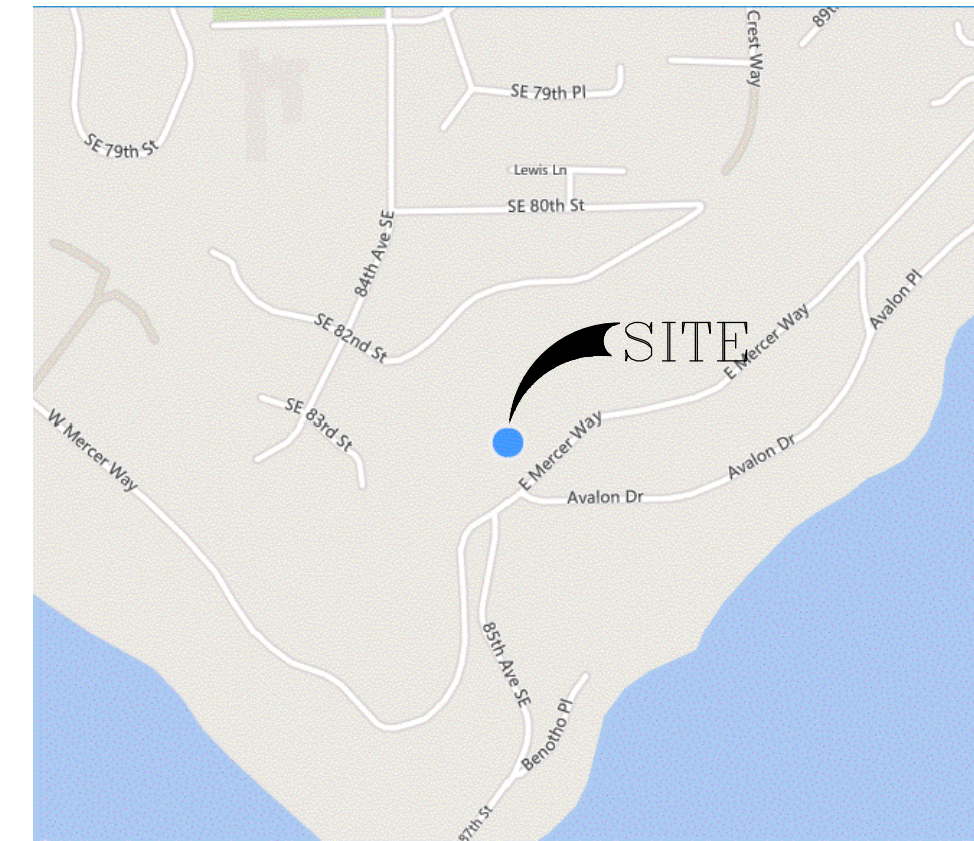
EXAMINED AND APPROVED THIS _____ DAY OF _____, 2016.

CITY ENGINEER

KING COUNTY DEPARTMENT OF ASSESSMENTS

EXAMINED AND APPROVED THIS _____ DAY OF _____, 2016.

ASSESSOR



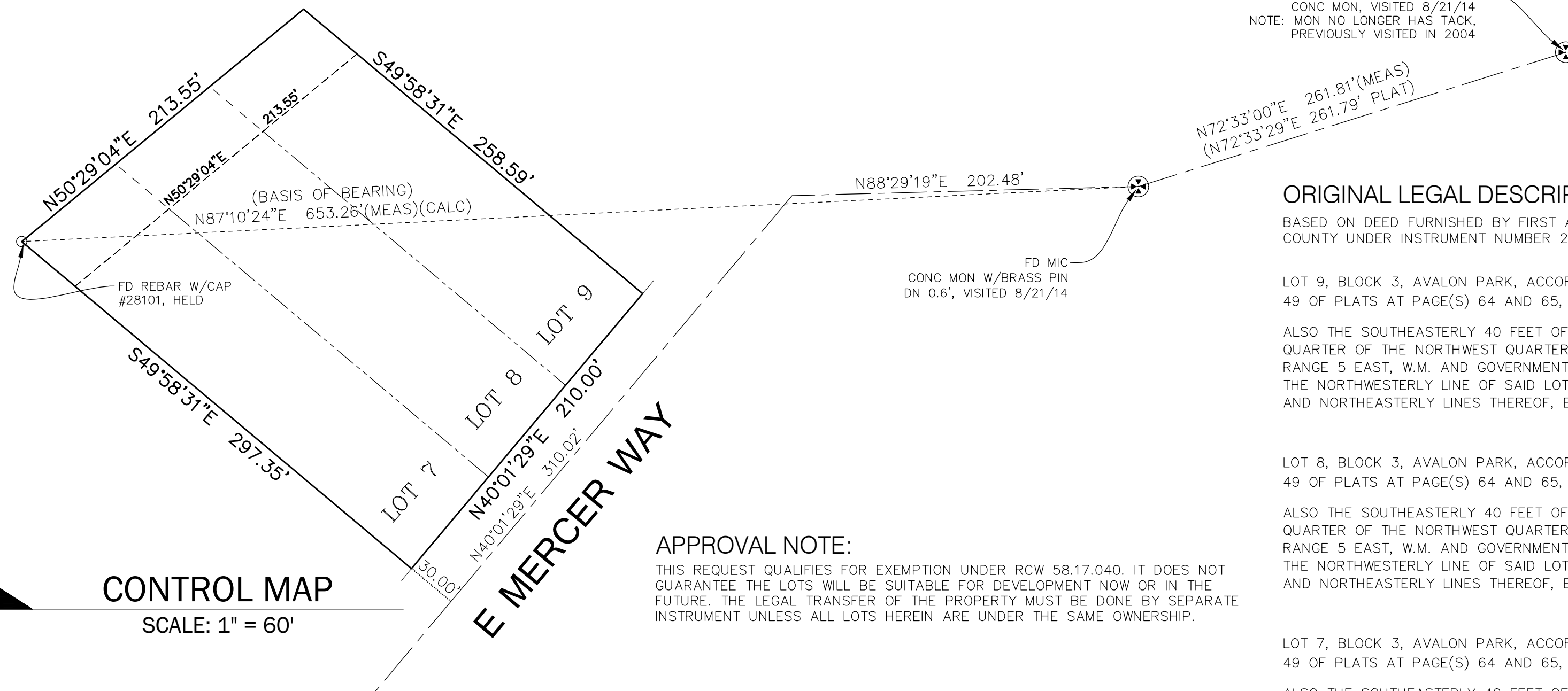
VICINITY MAP
NOT TO SCALE

BASIS OF BEARINGS

PER PLAT OF AVALON PARK, VOL. 49, PAGE(S) 64 & 65, RECORDS OF KING COUNTY, WASHINGTON.

SURVEY NOTES:

1. THE SURVEY SHOWN HEREON WAS PERFORMED IN AUGUST OF 2014. THE FIELD DATA WAS COLLECTED AND RECORDED ON MAGNETIC MEDIA THROUGH AN ELECTRONIC THEODOLITE. THE DATA FILE IS ARCHIVED ON DISC OR CD. WRITTEN FIELD NOTES MAY NOT EXIST.
2. INSTRUMENTATION FOR THIS SURVEY WAS A LEICA TOTAL STATION UNIT. PROCEDURES USED IN THIS SURVEY WERE DIRECT AND REVERSE ANGLES, NO CORRECTION NECESSARY. MEETS WASHINGTON STATE STANDARDS SET BY WAC 332-130-090.
3. SEWER AND WATER UTILITIES FROM PUBLIC SERVICE.



CONTROL MAP
SCALE: 1" = 60'

APPROVAL NOTE:

THIS REQUEST QUALIFIES FOR EXEMPTION UNDER RCW 58.17.040. IT DOES NOT GUARANTEE THE LOTS WILL BE SUITABLE FOR DEVELOPMENT NOW OR IN THE FUTURE. THE LEGAL TRANSFER OF THE PROPERTY MUST BE DONE BY SEPARATE INSTRUMENT UNLESS ALL LOTS HEREIN ARE UNDER THE SAME OWNERSHIP.

ORIGINAL LEGAL DESCRIPTION:

BASED ON DEED FURNISHED BY FIRST AMERICAN TITLE, RECORDED IN KING COUNTY UNDER INSTRUMENT NUMBER 20140523001500, DATED MAY 23, 2014.

LOT 9, BLOCK 3, AVALON PARK, ACCORDING TO PLAT RECORDED IN VOLUME 49 OF PLATS AT PAGE(S) 64 AND 65, IN KING COUNTY, WASHINGTON.

ALSO THE SOUTHEASTERLY 40 FEET OF THE PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 24 NORTH, RANGE 5 EAST, W.M. AND GOVERNMENT LOT 1 OF SAID SECTION ADJACENT TO THE NORTHWESTERLY LINE OF SAID LOT 9 AND BETWEEN THE SOUTHWESTERLY AND NORTHEASTERLY LINES THEREOF, EXTENDED NORTHWESTERLY.

LOT 8, BLOCK 3, AVALON PARK, ACCORDING TO PLAT RECORDED IN VOLUME 49 OF PLATS AT PAGE(S) 64 AND 65, IN KING COUNTY, WASHINGTON.

ALSO THE SOUTHEASTERLY 40 FEET OF THE PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 24 NORTH, RANGE 5 EAST, W.M. AND GOVERNMENT LOT 1 OF SAID SECTION ADJACENT TO THE NORTHWESTERLY LINE OF SAID LOT 8 AND BETWEEN THE SOUTHWESTERLY AND NORTHEASTERLY LINES THEREOF, EXTENDED NORTHWESTERLY.

LOT 7, BLOCK 3, AVALON PARK, ACCORDING TO PLAT RECORDED IN VOLUME 49 OF PLATS AT PAGE(S) 64 AND 65, IN KING COUNTY, WASHINGTON.

ALSO THE SOUTHEASTERLY 40 FEET OF THE PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 24 NORTH, RANGE 5 EAST, W.M. AND GOVERNMENT LOT 1 OF SAID SECTION ADJACENT TO THE NORTHWESTERLY LINE OF SAID LOT 7 AND BETWEEN THE SOUTHWESTERLY AND NORTHEASTERLY LINES THEREOF, EXTENDED NORTHWESTERLY.

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

Terrane

10801 Main Street, Suite 102, Bellevue, WA 98004
phone 425.458.4488 support@terrane.net
www.terrane.net



CITY OF MERCER ISLAND SUB16-004
 NW 1/4, NW 1/4, SEC 31, T 24N, R 5E, W.M.
 RUN YONG USA
 8375 & 8383 E MERCER WAY
 MERCER ISLAND, WA

JOB NO.: 140845

DATE: 9/16/16

DRAFTED BY: TLR

CHECKED BY: EUG/SRM

SCALE: 1" = 60'

1 OF 4

SURVEY LEGEND

	BUILDING LINE
	ELECTRICAL VAULT
	FOUND SURVEY MONUMENT
	FENCE LINE (CHAIN LINK)
	FENCE LINE (WOOD)
	FOUND IRON PIPE
	FOUND REBAR
	HAND HOLE
	FIRE HYDRANT
	MAINTENANCE HOLE
	POWER METER
	TELEPHONE PEDISTAL
	WATER METER
	WETLAND FLAG
	WATER VALVE

STEEP SLOPE/BUFFER DISCLAIMER

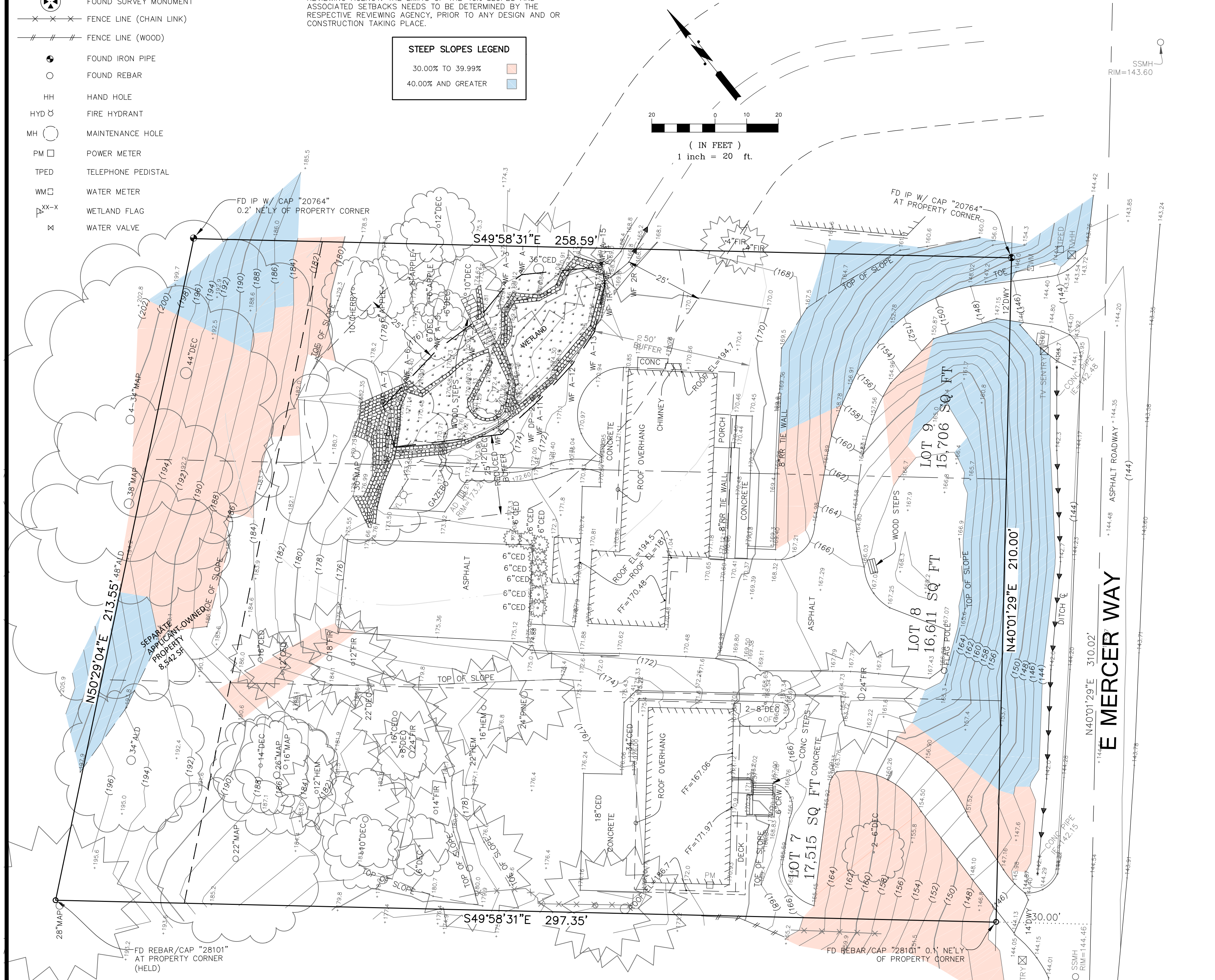
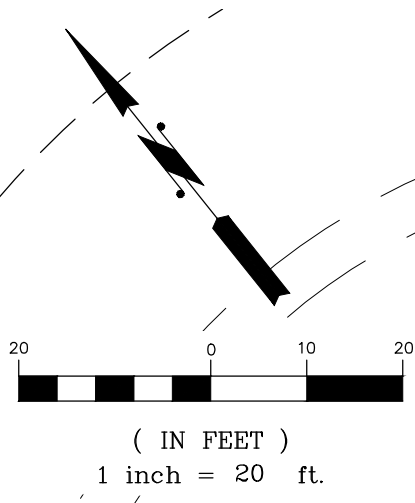
THE LIMITS OF THE 40% AS SHOWN ON THIS DRAWING IS OUR INTERPRETATION WHICH MAY DIFFER FROM THAT OF THE REVIEWING AGENCY. THE LIMITS OF THE 40% SLOPES AND ASSOCIATED SETBACKS NEEDS TO BE DETERMINED BY THE RESPECTIVE REVIEWING AGENCY, PRIOR TO ANY DESIGN AND OR CONSTRUCTION TAKING PLACE.

STEEP SLOPES LEGEND

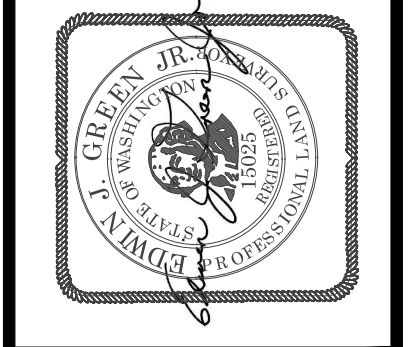
	30.00% TO 39.99%
	40.00% AND GREATER

RUN YONG USA

MERCER ISLAND LOT LINE REVISION NO. SUB 16-004



Terrane
 10801 Main Street, Suite 102, Bellevue, WA 98004
 phone 425.458.4488 support@terrane.net
www.terrane.net



TOPOGRAPHIC SURVEY
 NW 1/4, NW 1/4, SEC 31, T 24N, R 5E, W.M.
RUN YONG USA
 8375 & 8383 E MERCER WAY
 MERCER ISLAND, WA

JOB NO.:	140845
DATE:	9/16/16
DRAFTED BY:	TLR
CHECKED BY:	EJG/SRM
SCALE:	1" = 20'
2 OF 4	

RUN YONG USA

MERCER ISLAND LOT LINE REVISION FILE NO. SUB 16-004

TOTAL SITE AREA IS 58,373 SF OR 1.34 ACRES.

PARCEL A
GROSS = 15,683 SF
WETLAND BUFFER = 2,839 SF
ACCESS ESM'T = 524 SF
NET = 12,320 SF

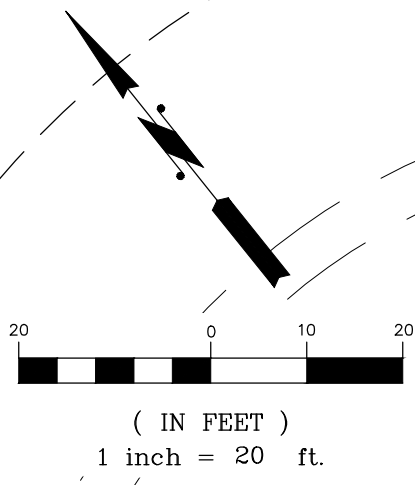
PARCEL B
GROSS = 16,638 SF
ACCESS ESM'T = 3,704 SF
NET = 12,934 SF

PARCEL C
GROSS = 26,053 SF
WETLAND BUFFER = 6,953 SF
ACCESS ESM'T = 221 SF
TRACT A (NGPE) = 8,542 SF
NET = 10,337 SF

LOT SLOPE:
PARCEL A = 16.0%
PARCEL B = 18.2%
PARCEL C = 21.7%

ORIGINAL LOT AREAS

LOT 7 = 17,515 SQ FT
LOT 8 = 16,611 SQ FT
LOT 9 = 15,706 SQ FT
UNPLATTED STRIP = 8,542 SQ FT

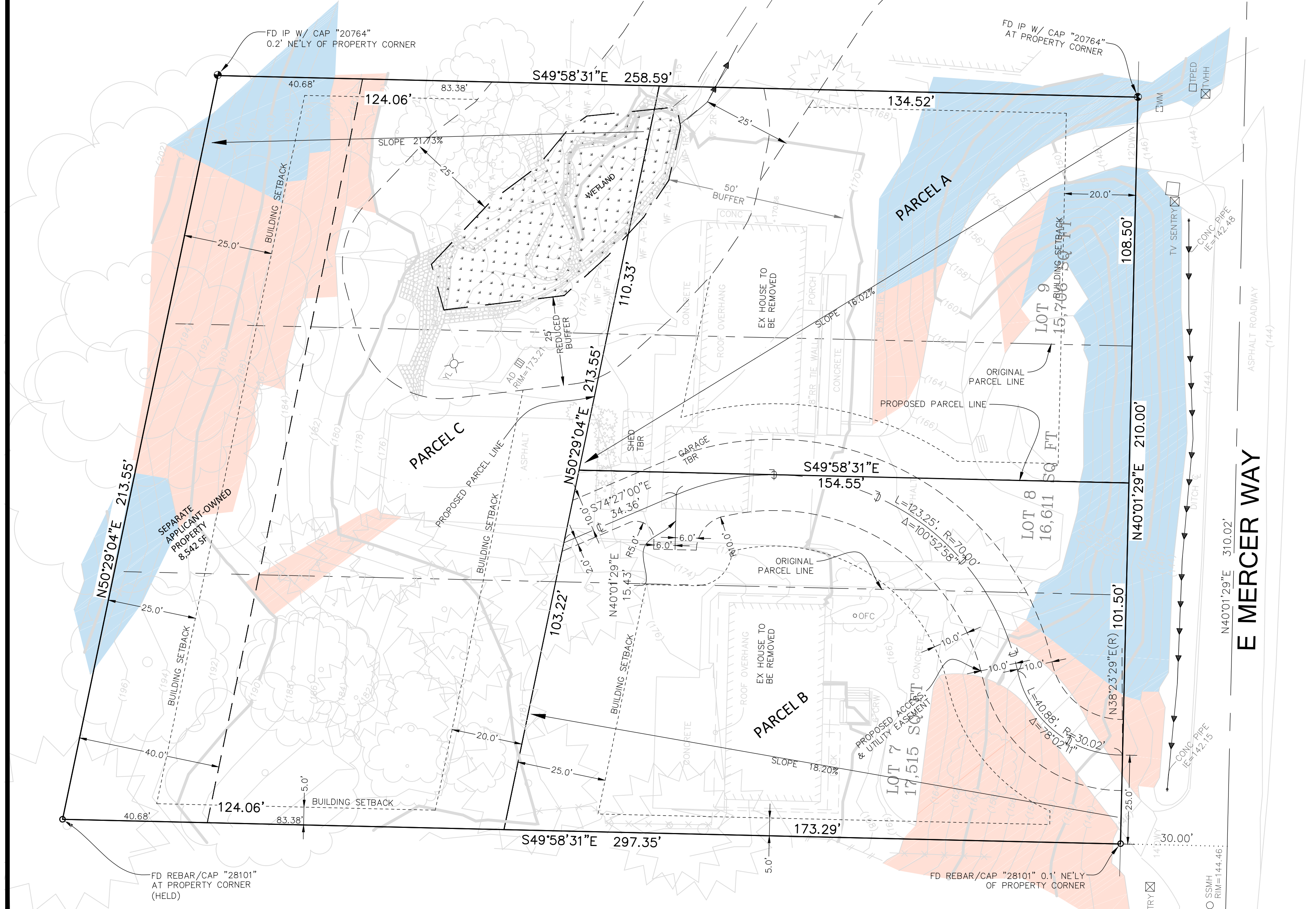


SSMH
RIM=143.60

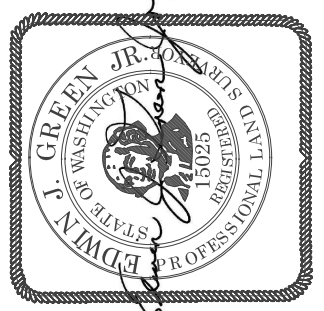
ASPHALT ROADWAY
(144)

E MERCER WAY

SSMH
RIM=144.46



10801 Main Street, Suite 102, Bellevue, WA 98004
phone 425.458.4488 support@terrane.net
www.terrane.net



LOT LAYOUT
NW 1/4, NW 1/4, SEC 31, T 24N, R 5E, W.M.
RUN YONG USA
8375 & 8383 E MERCER WAY
MERCER ISLAND, WA

JOB NO.:	140845
DATE:	9/16/16
DRAFTED BY:	TLR
CHECKED BY:	EJG/SRM
SCALE:	1" = 20'
	3 OF 4

RUN YONG USA

MERCER ISLAND LOT LINE REVISION FILE NO. SUB 16-004

NEW LEGAL DESCRIPTIONS:

PARCEL A

LOT 9 AND THE NORTHEASTERLY 38.50 FEET OF LOT 8, BLOCK 3, AVALON PARK, ACCORDING TO THE PLAT RECORDED IN VOLUME 49 OF PLATS, AT PAGES 64 AND 65, IN KING COUNTY, WASHINGTON, EXCEPT THE NORTHWESTERLY 82.00 FEET THEREOF.

PARCEL B

LOTS 7 AND 8, BLOCK 3, AVALON PARK, ACCORDING TO THE PLAT RECORDED IN VOLUME 49 OF PLATS, AT PAGES 64 AND 65, IN KING COUNTY, WASHINGTON, EXCEPT THE NORTHEASTERLY 38.50 FEET OF SAID LOT 8; AND EXCEPT THE NORTHWESTERLY 82.00 FEET THEREOF.

PARCEL C

THE NORTHWESTERLY 82.00 FEET OF LOTS 7, 8 AND 9, BLOCK 3, AVALON PARK, ACCORDING TO THE PLAT RECORDED IN VOLUME 49 OF PLATS, AT PAGES 64 AND 65, IN KING COUNTY, WASHINGTON; TOGETHER WITH THE SOUTHEASTERLY 40 FEET OF THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 24 NORTH, RANGE 5 EAST, W.M. AND GOVERNMENT LOT 1 OF SAID SECTION LYING BETWEEN THE SOUTHWESTERLY LINE OF LOT 7 IN BLOCK 3 OF SAID PLAT EXTENDED NORTHWESTERLY AND THE NORTHEASTERLY LINE OF LOT 9 IN BLOCK 3 OF SAID PLAT EXTENDED NORTHWESTERLY.

ACCESS AND UTILITY EASEMENT

THAT PORTION OF LOTS 7 AND 8, BLOCK 3, AVALON PARK, ACCORDING TO THE PLAT RECORDED IN VOLUME 49 OF PLATS, AT PAGES 64 AND 65, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:
A STRIP OF LAND, 20.00 FEET IN WIDTH, HAVING 10.00 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE:
COMMENCING AT THE MOST SOUTHERLY CORNER OF SAID LOT 7;
THENCE NORTH 40°01'29" EAST, ALONG THE SOUTHEASTERLY LINE OF SAID LOT 7, A DISTANCE OF 25.00 FEET, TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT FROM WHICH THE CENTER BEARS NORTH 38°23'29" EAST, 30.02 FEET DISTANT, AND THE POINT OF BEGINNING OF THIS CENTERLINE DESCRIPTION;
THENCE NORTHWESTERLY, NORTHERLY AND NORTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 78°02'11" AND AN ARC DISTANCE OF 40.88 FEET, TO A POINT OF REVERSE CURVATURE HAVING A RADIUS OF 70.00 FEET;
THENCE NORTHEASTERLY, NORTHERLY AND NORTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 100°52'58" AND AN ARC DISTANCE OF 123.25 FEET, TO A POINT HEREINAFTER REFERRED TO AS POINT "A" AND THE TERMINUS OF THIS CENTERLINE DESCRIPTION;
TOGETHER WITH A STRIP OF LAND, 12.00 FEET IN WIDTH, HAVING 6.00 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE:
BEGINNING AT THE HEREINBEFORE REFERENCED POINT "A";
THENCE SOUTH 40°01'29" WEST 15.43 FEET, TO THE TERMINUS OF THIS CENTERLINE DESCRIPTION;
TOGETHER WITH THAT PORTION OF SAID LOT 8, LYING NORTHERLY OF A FILLETED CURVE, CONCAVE TO THE SOUTH, HAVING A RADIUS OF 10.00 FEET BETWEEN THE SOUTHEASTERLY LINE OF SAID 12.00 FOOT STRIP AND THE SOUTHERLY LINE OF SAID 20.00 FOOT STRIP;
TOGETHER WITH A STRIP OF LAND, 12.00 FEET IN WIDTH, HAVING 10.00 FEET ON THE NORTH SIDE AND 2.00 FEET ON THE SOUTH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE;
BEGINNING AT THE HEREINBEFORE REFERENCED POINT "A";
THENCE NORTH 74°27'00" WEST 34.36 FEET, TO THE TERMINUS OF THIS CENTERLINE DESCRIPTION, AND A POINT ON THE SOUTHEASTERLY LINE OF THE NORTHWESTERLY 82.00 FEET OF SAID LOTS 7 AND 8;
TOGETHER WITH THAT PORTION OF SAID LOT 8, LYING NORTHERLY OF A FILLETED CURVE, CONCAVE TO THE SOUTH, HAVING A RADIUS OF 5.00 FEET BETWEEN THE SOUTHWESTERLY LINE OF SAID 12.00 FOOT STRIP AND THE NORTHWESTERLY LINE OF SAID 12.00 FOOT STRIP;

Terrane
10801 Main Street, Suite 102, Bellevue, WA 98004
phone 425.458.4488 support@terrane.net
www.terrane.net



LOT LAYOUT
NW 1/4, NW 1/4, SEC 31, T 24N, R 5E, W.M.
RUN YONG USA
8375 & 8383 E MERCER WAY
MERCER ISLAND, WA

JOB NO.:	140845
DATE:	9/16/16
DRAFTED BY:	TLR
CHECKED BY:	EJG/SRM
SCALE:	1" = 20'
4	OF 4

September 28, 2016

Mr. Evan Maxim
Senior Planner
City of Sammamish
Department of Community Development
801 228th Ave SE
Sammamish, WA 98075

Re: Zheng Lot Line Adjustment

Dear Evan:

This letter follows up on our recent conversation regarding Mercer Island Municipal Code (“MIMC”) Ch. 19.08 in the context of Mr. Zheng’s application for a lot line revision.

As a starting point for the analysis, it is important that the City’s interpretation of MIMC Ch. 19.08 is consistent with the state’s subdivision code, Ch. 58.17 RCW. RCW 58.17.010 provides that land division processes “should be administered in a uniform manner by cities, towns, and counties throughout the state.” RCW 58.17.040(6) expressly exempts lot line revisions (“LLRs”) from general subdivision requirements, as follows:

The provisions of this chapter shall not apply to:

A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.

Article XI, section 11 of the state Constitution provides that “[a]ny ... city ... may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws.” A state statute may preempt a local ordinance in two ways: it will “preempt[] an ordinance on the same subject if the statute occupies the field, leaving no room for concurrent jurisdiction, or if a conflict exists such that the statute and the ordinance may not be harmonized.” *Lawson v. City of Pasco*, 168 Wash.2d 675, 679, 230 P.3d 1038 (2010); *Rabon v. City of Seattle*, 135 Wash.2d 278, 287, 957 P.2d 621(1998).

Here, to avoid an unconstitutional conflict between local and state law, the Mercer Island Municipal Code Ch. 19.08’s lot line revision provisions should be interpreted in harmony with State subdivision law. Ambiguity arises because several provisions of Ch. 19.08 lump lot line revisions in with the City’s requirements for short and long subdivisions. For example, MIMC 19.08.020(D)(2) purportedly addresses preliminary application contents for “Long Subdivision,

Short Subdivision or Lot Line Revision Plan.” This regulation provides: *The submitted plans shall demonstrate that a building pad has been designated for each proposed lot per MICC 19.09.090.*” Yet, examination of 19.09.090(A) demonstrates that the cited provision relates to subdivisions...not lot line adjustments.

Similarly, MIMC 19.08.020(F)(2) provides that “[t]he 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.” Again, the design standards set forth in MIMC 19.08.030 are directed to subdivisions, requiring such things as compliance with “arterial, capital facility, and land use elements of the comprehensive plans” (MIMC 19.08.030(A)). A third example is MIMC 19.08.040, entitled “Plat improvements”, which would arguably hold lot line revisions to the same standards as long and short subdivisions regarding “provisions for streets, water, sanitary sewers, storm drainage, utilities and any easements or facilities necessary to provide these services” (MIMC 19.08.040(A)).

Here, the proposed lot line revision will adjust the lot lines on three existing platted lots (Avalon Park Lots 7, 8, and 9) and incorporate a 40-foot un-platted strip into one of the reconfigured lots such that a longstanding conveyance ambiguity will be corrected. The simple adjustment of existing lot lines, which is a ministerial act, should not trigger provisions of the City’s subdivision code, particularly when the status quo use of the property is not changed by the requested lot line adjustment.

The Avalon Park lots are currently occupied with two single-family residences. If Mr. Zheng elects to redevelop the property, the appropriate time to review any required street or infrastructure improvements would be as part of the site development/building permit review process. Requiring a lot line revision application to be treated like a subdivision to include detailed plans and analysis of streets, sanitary sewers, storm drainage, utilities and easements is premature and is inconsistent with the notion that lot line revisions are exempted from the requirements of the state’s subdivision code. Perhaps one way for the City to address these issues would be to invoke the discretion vested by MIMC 19.08.020(D)(2), which gives the code official and city engineer some latitude in determining the requirements for a lot line revision application.

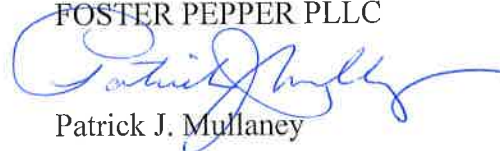
Mr. Evan Maxim
September 28, 2016

Page 3

Please let me know if you have any questions or comments on the foregoing, and thank you for your assistance to date in guiding Mr. Zheng's lot line revision application through the City's process.

Sincerely,

FOSTER PEPPER PLLC



Patrick J. Mullaney