



DAVID EVANS
AND ASSOCIATES INC.

September 26, 2019

Lauren Anderson
City of Mercer Island
9611 SE 36th Street
Mercer Island, WA 98040-3732

SUBJECT: Ogden Point Short Plat: Comment Response Letter

Dear Lauren Anderson:,

Thank you for your review of the Ogden point Short Plat. This letter is in response to your revised corrections letter dated August 22, 2019. We have prepared revised documents and included a revised short plat map, site plan, and tree calculations. Staff review comments are listed below in black text, the revised review comment in **red text** and our response to staff comments are provided in **Bold Italics**.

General:

1. No review comments for SEP19-009. **SEP19-009 DNS has been issued. Acknowledged**
 2. With your resubmittal, please provide a cover letter responding to each of the items below. Please reference page/sheet numbers noting where the requested information can be found. Please keep in mind that an incomplete resubmittal may delay your project. **Response to comments letter is included.**
 3. When resubmitting the plan set, please add “clouding” around all of the changes from the first to the second submittal. **Clouding has been added to “changes” to the revised plans.**
 4. Please provide a project narrative for all the applications: SUB19-003, CAO19-005, SEP19-009. SUB19-003 is a Short Plat and Short Plat Alteration application (both in one application). **SUB19003 is technically not a Short Plat Alteration application, however the applicant still needs to make it clearer what is happening with the existing easements (ingress/egress and utilities) and the proposed easements.**
A project narrative was provided in the previous submittal and was intended to be applied to all of the permits in this consolidated review. Please use this project narrative for all of the permits that are being applied for. Refer to sheet 3 of the short plat document which identifies all existing easements and categorizes them into “easements to be relinquished by this short plat, easements to be relinquished by separate document and easements to remain in effect”. New proposed easements are also shown on this sheet and on the short plat site plan.
 5. If the proposed gross floor area for the house(s) will exceed 6,000 square feet, then a Construction Management Plan will be required to be submitted to the City prior to the issuance of the land use applications. The CMP is a requirement per MICC 17.14.010.105.6. **Comment no**
-



longer applies as the project does not include the construction of a new home(s).

Acknowledged

6. Please note that no structures are allowed within easements, including retaining walls; unless there is a recorded agreement. Refer to MICC 19.02.020(F). **Acknowledged**
7. Please keep in mind that there is a 5-foot setback for structures from vehicular access easements per MICC 19.02.020(H)(1). **Acknowledged**

Planning:

SUB19-003

8. Please provide the conceptual grading and utility plan. **Comment no longer applies as no grading or utilities are proposed at this time. However, refer to Attachment A for the list of preliminary plat conditions of approval. Acknowledged**
9. Please provide a topographic and boundary survey. The applicant shall provide copies of a topographical map showing the existing land contours using vertical intervals of not more than two feet, completed and signed by a Washington licensed surveyor. For any existing buildings, the map shall show the finished floor elevations of each floor of the building. Critical slopes exceeding 30 percent must be labeled and delineated by a clearly visible hatching. Please keep in mind that the critical slope area is different from the steep slope area, as the City defines steep slope as exceeding 40% slope. **In addition, see comment #29 for additional information required on a survey.**

A topographical survey prepared by Terrane Inc. meeting all of these requirements was submitted with previous submittal and is also included with this resubmittal. This topographical survey work was used as the base map for the short plat document and the short plat site plans. We have added critical slopes of 30% and greater to the short plat map and critical areas site plan. Additionally, the erosion hazard area is now shown on the short plat map. The gravity sewer line shown on the topographical map was field located, exposed and the Terrane Survey was found to be accurate. The proposed sewer easement is now shown on the Short Plat Site Plan.

10. In the project narrative, please make it clear that SUB19-003 is a short plat and short plat alteration. Please also include information about the proposed short plat alteration. **Refer to revision to comment #4 above. This consolidated application is for a Short Plat and the former Short Plat alteration application has been withdrawn per the City's code determination that the applicant has only 1 Lot, therefore in order to get two lots must apply for a Short Plat.**
11. ***Prior to Preliminary Plat approval, the applicant shall provide a letter from a qualified engineer evaluating the feasibility of constructing a driveway and bridge within the entire length of the access easement on Lot 1 to serve Lot 2. The letter shall be signed and stamped by a licensed engineer for inclusion in the staff report as an exhibit.***

An Access Feasibility letter has been prepared by Adam Stricker, PE and is included in this resubmittal.



CAO19-005

12. Please provide a preliminary site plan with the setbacks, proposed footprint of the buildings, driveway, retaining walls, etc. Please refer to MICC 19.02.050 for the City's maximum retaining wall height requirements. **Comment no longer applies as the project does not include the construction of a new home(s), driveway or retaining walls. However, refer to Attachment A for the list of preliminary plat conditions of approval. Acknowledged**

13. Please provide a separate narrative on how the proposal complies with [MICC 19.07.060](#) Geologic Hazard Areas. How will the proposal not adversely impact other critical areas, the subject property, and adjacent properties? What mitigation is proposed that is consistent with best available science?

The geotechnical report prepared by Geotech Consultants Inc. dated January 31, 2019 for the Ladybug Trust was submitted with this application contains all of this information including a statement on page 4: "It is our professional opinion that, if the development practices proposed in this report are utilized for the new development, this will render the development as safe as if it were not located in a geologic hazard area." If there are specific concerns that have not been addressed by the geotechnical report, please relate them and we will have the geotechnical engineer respond.

14. Per MICC 19.07.060(D)(1)(d) please keep in mind that a landscaping plan for all disturbed areas outside of the building footprints and installation of all impervious surfaces will be required prior to final inspection (**building permit**). **Acknowledged**

15. Please provide a temporary erosion and sediment control plan. Erosion control measures shall be in place, including along the outer edge of the critical area (steep slope) prior to clearing and grading. Monitoring surface water discharge from the site during construction may be required. **Comment no longer applies as the project does not include the construction of a new home(s), driveway or retaining walls. However, refer to Attachment A for the list of preliminary plat conditions of approval. Acknowledged**

16. Please provide a storm water and erosion control management plan consistent with MICC 15.09. **Comment no longer applies as the project does not include the construction of a new home(s), driveway or retaining walls. However, refer to Attachment A for the list of preliminary plat conditions of approval. Acknowledged**

17. Please provide a conceptual grading plan indicating the location of grading and what the proposed grade will be. **Comment no longer applies as the project does not include the construction of a new home(s), driveway or retaining walls. However, refer to Attachment A for the list of preliminary plat conditions of approval. Acknowledged**

18. Please provide a conceptual TESC plan, however official review by Ruji Ding will be performed under the building permit. **Comment no longer applies as the project does not include the**



construction of a new home(s), driveway or retaining walls. However, refer to Attachment A for the list of preliminary plat conditions of approval. Acknowledged

19. Please keep in mind that prior to land use application approval, the following will be required:
- Provide a maintenance and monitoring plan for the mitigation areas. Mitigation planting maintenance and monitoring will be required for 5 years from the date of project completion to ensure mitigation success and critical area protection. **Acknowledged**
 - Provide a completed Bond Quantity Worksheet, found here:
<http://www.kingcounty.gov/~media/depts/permitting-environmentalreview/dper/documents/forms/ls-wks-sensareaBQ-pdf.ashx?la=en>.

20. **Comment no longer applies as the project does not include the construction of a new home(s), driveway or retaining walls. However, refer to Attachment A for the list of preliminary plat conditions of approval. Acknowledged**

Contact: Lauren.Anderson@mercergov.org or 206-275-7704.

Fire:

SUB19-003 & CAO19-005

20. Provide a hydrant within 600 feet and the furthest point of all structures. The existing closest hydrant is over 1,000 feet away. The hydrant shall be protected and have a 3-foot area in all directions for operations. The hydrant shall not be obscured from view and shall be perpendicular to the driveway. Please provide modeled fire flow information for the hydrant provided.

While we do not disagree with this comment in principal, we believe that a hydrant requirement and design should be deferred to future development phases of this project. We believe that condition of approval 1a provides the means by which proper fire code compliance can be achieved.

21. A remote FDC connection will most likely be required; this will be based on the location of the structures, fire access road, and fire area worksheet.

See response to comment 20, we are not able to provide a fire area worksheet at this time.

22. Please provide Fire Square Footage Calculations for further review and road improvement requirements.

See response to comment 20, we are not able to provide a fire square footage calculations at this time.

23. Please provide a profile of the entire proposed access road (including onto Lot 2). Please note that the driveway slope can't exceed 20%. **Discussion occurred in the pre-application meeting about the bridge and that it will be considered during any further application meeting. Requirements could include improving the width, length, and overall weight rating. Code**



alteration requests will be required for future development on access deficiencies.

Acknowledged.

Contact: Stephen.Mair@mercergov.org or 206-275-7607 (VM 1949). ***New contact is Jeromy Hicks at Jeromy.hicks@mercergov.org or 206-275-7966.***

Trees:

SUB19-003

24. Provide Tree Inventory Worksheet showing retainage of at least the minimum required number of trees and Exceptional Trees. This calculation should be done for the current existing lot.

<http://www.mercergov.org/files/TreeInventoryReplacementSubmittalInformation.pdf>

Tree inventory worksheets have been provided with this resubmittal. The calculations have been done for the two proposed lots and assume that trees within the proposed building pads and trees that may be affected by build pad development might be removed. The minimum tree retention percentages have been met for both lots.

25. Show retained trees with their driplines where protection is required with building pad shown outside these trees' dripline on short plat plans. This plan showing numbered retained trees will be recorded as part of the plat.

This was shown on sheet 4 "Tree Plan" of the short plat site plan package. We do not agree that the numbered retained trees must be shown on the recorded short plat document. MIMC 19.08 does not specify that trees must be shown on plat documents and we would prefer to not record the trees. We are already showing the building pad area on the short plat plan.

26. ***The Preliminary Plat Plans and Critical Areas Determination Plans need to be consistent. The tree plan needs to be included in the SUB19-003 plan set.***

A tree plan was included as sheet 4 of the previous short plat site plan set, this sheet has been slightly revised to identify significant trees per MICC 19.10.

CAO19-005

27. See previous comments given in the pre-application meeting:

- a. Show the building pad with large exceptional trees being taken into consideration.
- b. Proposed new lot lines with taking exceptional trees into consideration.
- c. Exceptional trees outside the building pad/access shall be retained throughout construction and after – unless shown to be hazardous. ***This comment has been incorporated into the draft Final Plat notes – refer to Attachment A #1c.***

Comment #27 no longer applies, refer to comment #26 above. Acknowledged.



Contact: John.Kenney@mercergov.org or 206-275-7713.

Building:

SUB19-003 & CAO19-005

28. No further information is required for Building approval of the Subdivision. All future development on the lots proposed will conform to any applicable codes at the time of that development, including the International Residential Code, the International Building Code as applicable, any referenced standards of those model codes, and the appropriate revision of the Mercer Island City Code, including all requirements for development within a geologic hazard area. Approval of the subdivision review by the Building Plans Examiner does not indicate review or approval of any work which would require a Building Permit. A complete Building Permit application is not required as part of the Subdivision process. **Acknowledged.**

Contact: Gareth.Reece@mercergov.org or 206-275-7710.

Engineering:

SUB19-003 & CAO19-005

29. Please show the exact locations of the sewer gravity line and the sewer pressure line (it has been field located), then show a revised public sewer easement, 5 feet from the southern sewer line and 5 feet from the northern sewer line. Once the limits of the easement are reviewed, then you will need to provide the legal description for the sewer easement, and the City will provide the easement languages.

The sewer line was potholed and surveyed at the pothole location to verify the location and orientation of the two sewer lines. The additional locate work has confirmed the location of the sewer main shown on the Terrane survey. The Terrane Survey shows the location of the gravity main, while the pressure main follows the same alignment but is offset by one foot to the west (shoreward). These lines are shown on the short plat site plan.

30. Please note: the future Building Permit submittal will be required to follow the Mercer Island [MICC 15.09](#) Stormwater Management Program Code Update and the 2014 Stormwater Manual. **Acknowledged.**

Refer to the following links for more information: <http://www.mercergov.org/Page.asp?NavID=3161>

a. <http://www.ecy.wa.gov/programs/wq/stormwater/manual/2014SWMMWWinteractive/2014%20SWMMWW.htm>

31. Please indicate the existing public sanitary sewer easement on all site plans. All private utilities, such as storm drainage system, irrigation system, dry utilities (power, gas, etc.) shall be located outside the existing public sanitary sewer easement.



The existing sanitary sewer easement cannot be located and plotted due to inconsistencies with its legal description. The existing sewer easement is shown approximately on the short plat map and is proposed to be relinquished with this short plat application. A new proposed sewer easement that encompasses the as-built location of the existing sewer main is proposed as a separate easement document. This easement will be located 5' outside of the two sewer mains. A legal description of this easement has been provided with this resubmittal. The site currently has an irrigation pump system that is located on the lake shore. Irrigation lines must past through the sewer easement but it is understood that proper pipe clearances (3' vertical separation) must be provided and that crossings of the sewer mains should be done perpendicularly where possible. Storm drainage from the site must also pass through the proposed sewer easement in order to outfall at the Lake.

32. The landscaping plan shall comply with MICC 15.06.160 Trees and shrubs: ***Acknowledged***
- a. No person shall plant within 35 feet of any public sewer any willow, poplar, cottonwood, soft maple, gum tree, or any other tree or shrub whose roots are likely to enter and obstruct the flow of sewers.
 - b. The property owner is responsible for preventing any vegetation, including trees and shrubs, from extending from within the owner's property into any right-of-way or public sewer easement where the trees, shrubs or roots thereof obstruct or have the potential to obstruct a public sewer.
33. The following items are not review comments, just a heads up for the future building permit: ***Acknowledged***
- a. The water meter will be located along the shoulder of W. Mercer Way, and the water service line from the water meter to the house must be located within the private utility easement.
 - b. If a separate fire line is required by the City Fire Marshal, then the fire line will be a private fire line and must be located within the private utility easement.
 - c. Construction of all improvements for access, utilities, storm drainage and site work shall comply with current City ordinances and requirements of the City at the time of the building permit submittal.

Contact: Ruji.Ding@mercergov.org or 206-275-7703.

In addition to the above comment responses, we have reviewed the City's proposed Preliminary Plat Conditions of Approval. We generally agree with the conditions of approval, but we propose the following wording changes:

- 1a. We would like to clarify that site development review will be required for new building permits for ***new residences***. "Building permits" could encompass any permit required for minor upgrades to the



residence on Lot 1 such as permits required for a new water heater or window replacement and thus should not be worded as such.

It is understood that the access improvements for Lot 2 would be required for the construction of new residences but not for minor “building permits” for Lot 1. This change in wording clarifies this distinction while keeping the overall intent of the condition intact.

3. We propose removing the easement requirements from the short plat document to the easement, which will be recorded separately from the short plat. Recording the proposed sewer easement separately from the short plat would allow the City to make modifications to the easement without processing a short plat alteration.

The proposed clarifications to the conditions of approval are shown below, bolded or with strikethrough:

Attachment A:

SUB19-003 DRAFT Preliminary Plat Conditions of Approval:

1. Please note on the Final Plat the following:

a. “Prior to new building permit issuance, Lot 1 and Lot 2 access improvements shall be reviewed and approved by the City’s Fire Marshal, including any necessary upgrades to the bridge, through a Site Development Permit. All access will be required to be approved by the City’s Fire Marshal and constructed in accordance with the approved Site Development Permit prior to building permit issuance **for new residences.**”

b. “Prior to new building permit issuance, Lot 1 and Lot 2 shall be reviewed and approved by the City’s Planner for compliance with Title 19 of the Unified Land Development Code.”

c. “Tree removal is authorized for trees within the building pads for Lot 1 and Lot 2 after building permit issuance only. Trees and any associated drip lines outside the building pads need to be reviewed and approved for removal and/or construction impacts by the City Arborist at the time of building permit application.”

d. “Prior to new building permit issuance, Lot 1 and Lot 2 shall be reviewed and approved by the City’s Civil Engineer for compliance with Title 15 Water, Sewers and Public Utilities.”

e. “Construction of all improvements for access, utilities, storm drainage and site work shall comply with current City ordinances and requirements of the City at the time of the building permit submittal.”

f. Approval note: “This request does not guarantee that 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.”



2. No site development and/or construction is authorized as part of this short plat approval. All future site development will need to be reviewed and approved by the City with a Site Development Permit and Building permit applications for Lot 1 and Lot 2.

3. The Final Plat plans shall indicate all private and public easements, including the existing public sanitary sewer easement. ~~All private utilities, such as storm drainage system, irrigation system, dry utilities (power, gas, etc.) shall be located outside the existing public sanitary sewer easement.~~

Sincerely,

DAVID EVANS AND ASSOCIATES, INC.

Adam Stricker, PE
Civil Engineer

Copies: Jordan Lott, Dave York

Attachments/Enclosures:

Project Number: LDYB0000-0002

File Path: P:\LDYB00000002\0800REC\0830Deliverables\Short Plat\19-0905 Short Plat Resubmittal\Short Plat Access Feasibility letter.docx