

## **Cheshire Final Short Plat: Project Narrative**

**Project Location:** 7615 East Mercer Way

**Parcel Number:** 3024059036

**Approved Preliminary Plat:** SUB20-002

**Date:** March 30, 2021

### **Project Description and Discussion:**

The Cheshire final short plat application proposes a two (2) lot subdivision of the 88,556 square foot (2.03 acre) subject property. The resulting lots will be approximately 11,154 (Lot 1) and 77,402 (Lot 2) square feet. Access to the new Lot 1 will be by a new driveway from SE 76th Street. No impacts to the onsite wetland and stream critical areas or buffers are proposed. Critical area review was previously completed as CAO16-003.

The preliminary short plat (SUB20-002) was approved on February 22, 2021.

### **Status of Required Plat Improvements**

There are no plat improvements for the short plat that are required to be constructed prior to final short plat. This was confirmed with Robin Proebsting and Ruji Ding via email on December 20, 2020. All improvements for storm, sewer, water, vehicular access and emergency vehicle access will be completed as a component of the Lot 1 building permit.

### **Compliance with MICC 19.08.050.A.2**

The preliminary short plat decision included Finding of Fact and Condition V.25, which addressed compliance with MICC 19.08.040(A), Streets, Utilities and Storm Drainage, as follows:

*“Preliminary grading and storm drainage plans have been provided, showing that the provision of services is feasible (Exhibit 3). A condition of approval has been added to this decision requiring construction of all improvements for access, utilities, all storm drainage system and all sitework, which is to be completed as part of future building permits for individual lots.”*

Condition No. 9 of the preliminary short plat approval states:

9. Construction of all improvements for access, utilities, all storm drainage system (conveyance system and onsite detention system), and all site work shall be completed as part of future building permits for individual lots. The requirements will be based on the City ordinances, regulations, and requirements of the City Engineer established at the time of application for future building permits.

Compliance with Condition No. 9 will be determined by the City with the building permit for Lot 1.

### **Compliance with Preliminary Plat Conditions**

The approved preliminary short plat is subject to twenty four (24) conditions. The following section addresses how the proposed final short plat complies with the applicable conditions of the preliminary short plat.

1. The final short plat for SUB20-002 shall be in substantial conformance with the preliminary plat drawing attached as Exhibit 3, provided:
  - a. the Mercer Island File Number shall be updated to be “SUB20-002”
  - b. “SE 76<sup>th</sup> Court” shall be corrected to read “92<sup>nd</sup> Ave SE”
  - c. “E Mercer Boulevard” shall be corrected to read “E Mercer Way”

**Applicant Response:** The final short plat has corrected all items referenced in Condition No. 1.

2. Expiration of approval – The final short plat shall be recorded prior to the expiration deadline set forth in MICC 19.15 – Administration.

**Applicant Response:** Per MICC 19.15.150.C, the final short plat will be recorded within five (5) years of February 22, 2021.

3. At building permit application, the applicant shall pay school, park, and transportation impact fees based on the fee schedule in place at the time of application. A credit shall be applied for any dwelling unit that exists on the land within the subdivision prior to the subdivision if the dwelling unit is demolished. The credit shall apply to the first complete building permit application submitted to the city subsequent to demolition of the existing dwelling unit, unless otherwise allocated by the applicant of the subdivision as part of approval of the subdivision.

**Applicant Response:** Acknowledged.

4. Prior to building permit issuance, the applicant shall complete the following actions:
  - Sample the soil and analyze for arsenic and lead following the [2019 Tacoma smelter plume guidance](#). The soil sampling results shall be sent to the Department of Ecology for review.
  - If lead or arsenic are found at concentrations above the Model Toxics Control Act (MTCA) cleanup levels (Chapter 173-340 WAC); the owners, potential buyers, construction workers, and others shall be notified of their occurrence. The MTCA cleanup level for arsenic is 20 parts per million (ppm) and lead is 250 ppm.
  - If lead, arsenic and or other contaminants are found at concentrations above MTCA cleanup levels, the applicant shall:
    - Develop a soil remediation plan and enter into the Voluntary Cleanup Program with the Department of Ecology.
    - Obtain an opinion letter from the Department of Ecology stating that the proposed soil remediation plan will likely result in no further action under MTCA. The applicant shall provide the local land use permitting agency the

- o opinion letter from Ecology.
- o Prior to finalizing the building permit, provide to the local land use permitting agency “No Further Action” determination from Ecology indicating that the remediation plans were successfully implemented under MTCA.
- If soils are found to be contaminated with arsenic, lead, or other contaminants, extra precautions shall be taken to avoid escaping dust, soil erosion, and water pollution during grading in site construction. Site design shall include protective measures to isolate or remove contaminated soils from public spaces, yards, and children's play areas. Contaminated soils generated during site construction shall be managed and disposed of in accordance with state and local regulations, including the Solid Waste Handling Standards regulation (Chapter 173-350 WAC).

**Applicant Response:** Acknowledged.

5. Show all the existing and proposed easements on the final plat. Clearly distinguish all public easements from the private easements. The private utility easement and public utility easement shall not be combined.

**Applicant Response:** The final short plat shows all existing and proposed easements and distinguishes between public and private easements.

6. Easements for utilities and storm drainage facilities shall be depicted on the face of the Final Plat. Language which indicates joint rights and responsibilities of each lot with respect to all utilities and roadways shall be shown along with individual lot Joint Maintenance Easement Agreements (where applicable) for all shared usage and filed with the King County Recorder and noted on the final plat. The easement notation shall indicate whether the easement is public or private, existing or proposed.

**Applicant Response:** The final short plat shows all existing and proposed easements and distinguishes between public and private easements. Private easement provisions are included on the face of the plat.

7. The Final Plat shall be prepared in conformance with Title 58 RCW and Surveys shall comply with Chapter 332-130 WAC. Submit using Mercer Island's datum and tie the plat to at least two monuments.

**Applicant Response:** The final plat complies with these requirements.

8. A City of Mercer Island title block for approval signatures (Planner and City Engineer) shall be provided on the final plat along with the designated Short plat number.

**Applicant Response:** The final plat includes the required title blocks and the short plat number.

9. Construction of all improvements for access, utilities, all storm drainage system

(conveyance system and onsite detention system), and all site work shall be completed as part of future building permits for individual lots. The requirements will be based on the City ordinances, regulations, and requirements of the City Engineer established at the time of application for future building permits.

**Applicant Response:** Acknowledged.

10. A tree replacement plan will be provided under the building permit application. It will follow the requirements described in 19.10.070.

**Applicant Response:** Acknowledged.

11. A tree protection plan will be submitted during building review. Showing tree protection fencing at the Arborist stated tree protection zone (TPZ). For tree 133 tree protection may be reduced to 18' to the west of the critical root zone (CRZ). This distance must be called out (near building pad) and the tree protection fence shown on the plans. The building pad including over excavation for a foundation shall not encroach into this CRZ.

**Applicant Response:** Acknowledged.

12. The fence for tree 133 and other exceptional trees shall be 6' chain-link fence secured into the ground. This will be called out on the Tree Plan during building review.

**Applicant Response:** Acknowledged.

13. Project Arborist to be on site and in control of any excavation or grading within tree 133's dripline. They will document and clean cut any root over 1" in diameter that needs to be removed. Call this out on Tree Plan during building review.

**Applicant Response:** Acknowledged.

14. Proposed water meter location to be moved away from tree 133 and outside tree protection zone. Or according to the Senior City Development Engineer. Call this out on Tree Plan during building review.

**Applicant Response:** Acknowledged.

15. The plan showing numbered retained trees and building pad will be recorded as part of the plat. This plan should be the same or consistent with the Preliminary Tree Plan.

**Applicant Response:** Acknowledged.

16. Conditions to be shown on the face of the plat:

17. Maintenance and repair of joint use side sewers (sewer lines from the building to the

City sewer main), shared roads, access easements, storm drainage facilities shall be the responsibility of the owners of each lot served (with the exception that owners of any lot which is lower in elevation shall not be responsible for that portion of a private side sewer above their connection.) In the event that maintenance and repair of any facilities enumerated above are not performed to the satisfaction of the City Engineer, after a timely demand has been made for such action, the City or its agent shall have the right to enter upon the premises and perform the necessary maintenance and repair to protect the safety and general welfare of the public and shall have the right to charge the owner of each lot an equal share of the total maintenance and repair costs. The City or the owner of any lot within this Short plat shall have the right to bring action in Superior Court to require any maintenance or repair and to recover the costs incurred in making or effecting repairs to improvements.

18. The monitoring, cleaning, maintenance and repair of storm drainage systems in accordance with City Ordinance No. 95C-118 is required for all lot owners within this Plat to control stormwater runoff and control erosion and flooding downstream. All costs related to stormwater runoff control shall be borne by the owners of each lot in equal share. This obligation shall be recorded separately with each individual lot sale and shall travel with the land.
19. All staging for construction shall occur on site and shall not be located in the public right-of-way.
20. Prior to the issuance of a building permit, each application shall be accompanied with a temporary erosion and sedimentation control plan, clearing and grading plan, access and utility service plan, a landscape plan (which shall identify existing vegetation to be retained, limits of all clearing and grading), and a schedule for the construction. The applicant's Civil Engineer, experienced in soils geology and mechanics, shall review the proposed site and building construction and provide recommendations that will limit site disturbance, minimize risk of soils movement, evaluate site slope stability and define materials and construction practices for the work. The Building Official may require that the Engineer be present during construction, monitor the work, and recommend special techniques or mitigating measures. The costs associated with the Engineer's monitoring and mitigation measures shall be borne by the applicant.
21. No permanent landscaping, structures, or fences shall be placed on or within public utility or storm drainage easements without the written approval of the City Engineer. If in the opinion of the City Engineer, utilities or storm drainage facilities require maintenance, repair or replacement, the City or its agent shall have the right to enter those lots adjoining the facility for the purpose of maintaining, repairing, relocating or replacing said facilities. Lot owners shall be responsible for the restoration of any private improvements or landscaping within said easements.
22. Installation of landscaping and/or structures including trees, shrubs, rocks, berms,

walls, gates, and other improvements are not allowed within the public right-of-way without an approved encroachment agreement from the City prior to the work occurring.

23. No tree identified for retention may be removed unless otherwise approved by the City Arborist.
24. All building permits are subject to meeting current fire code requirements at the time of a complete submittal, including fire apparatus access as outlined in adopted code sections of the International FireCode Appendix D. Fire plan reviews will be conducted at time of building permit submittal and may require additional fire protection systems and/or additional fire prevention measures for building approval.

**Applicant Response:** As required by Condition No. 16, the face of the final plat includes the conditions specified as Condition Nos. 17 – 24.