



## **CITY OF MERCER ISLAND**

9611 SE 36<sup>th</sup> Street • Mercer Island, WA 98040-3732

(206) 275-7605 • FAX (206) 275-7726

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### **PRELIMINARY SHORT PLAT ALTERATION**

#### **NOTICE OF DECISION**

**December 26, 2017**

#### **I. PROJECT SUMMARY**

<b>Application Number:</b>	SUB17-007
<b>Owner:</b>	Wells Fargo Bank NA
<b>Location of Property:</b>	8000 and 7840 SE 20 <sup>th</sup> ST Ave SE, Mercer Island, WA, 98040; Identified by King County Assessor tax parcel numbers 545230-2218 and 545230-2216.
<b>Zoning District:</b>	R-12
<b>Description of Application:</b>	<p>A plat alteration to short plat (SUB8401-002 Lamson Short Plat, also known as MI-84-01-02) to: 1) extinguish the 3-foot-wide utility easement (recording number 198406269002) along the east line of Parcel B and Tract X of Mercer Island Short Plat Number MI-84-01-02 to allow for development on the combined property; and, 2) extinguish the ingress, egress, and utility easement (recording number 198406269002 created with MI-81-04-02 Lamson Short Plat) along Tract X and the east edge of Parcel A. The ingress, egress and utility easement for accessing Parcel B is no longer needed, as Tract X will be used for accessing the consolidated Parcel B and C. A new proposed storm drain system for 7850 SE 20<sup>th</sup> ST (Parcel A) will be relocated and placed in a new private easement.</p> <p>The applicant proposes to demolish two existing homes on two existing lots, and consolidate the two lots into a single lot, and construct a new single-family residence. The City recently approved a Critical Areas Determination (CAO16-002), which authorized the reduction of the piped watercourse buffer subject to mitigation.</p>
<b>Applicant Contact:</b>	Maria Simon (Conard Romano Architects)

**Associated Permits:** SUB17-006 Lot Line Consolidation, CAO16-002 Critical Areas Determination, 1705-086 Building Permit, 1706-150 Tree Permit, 1705-172 Water Service Permit.

**Decision:** **Approved with conditions.**

**Exhibits:**

1. Plan set by Triad received by the City on December 4, 2017.
2. Mercer Island Short Plat Number MI-84-01-02 (SUB8401-002).
3. Affidavit of Mailing and Posting dated June 12, 2017.
4. Site photographs from November 23, 2016.
5. Project Narrative received by the City on May 9, 2017.
6. Title Report received by the City on May 9, 2017.
7. Development Application received by the City on May 9, 2017.
8. Public Notice of Application sent out on June 12, 2017.

## **II. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The following is an analysis of the proposal with the current Mercer Island City Code (MICC) and applicable state law.

- 1. MICC 19.08.010(G):** *Vacations and alterations of short subdivisions shall be reviewed by the Code Official, and shall comply with the requirements of this chapter for the creation of short subdivisions, unless those requirements are waived by the Code Official. Vacations and alterations of short subdivisions that involve a public dedication shall be governed by subsection F of this section.*

**Staff Analysis:** MICC 19.16.010(Code Official) defines the Code Official as “The Director of the Development Services Group for the City of Mercer Island or a duly authorized designee”. The proposed short plat alteration has been reviewed by a ‘duly authorized designee’.

- 2. MICC 19.08.040(A):** *The long subdivision, short subdivision, or lot line revision shall include provisions for streets, water, sanitary sewers, storm drainage, utilities and any easements or facilities necessary to provide these services. ...*

**Staff Analysis:** The proposed alteration would continue to provide provisions for streets, water, sanitary sewers, storm drainage, utilities and any easements necessary to provide the services. Following completion of the proposed short plat alteration and lot line revision (SUB17-006), the resultant lot will obtain utility service from SE 20<sup>th</sup> Street, and from utility services that run along the shared property line of 8004 SE 20<sup>th</sup> ST. The proposed short plat alteration has met the applicable requirements of MICC 19.08.

- 3. Revised Code of Washington (RCW) 58.17.215 and 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 requires public notice through mailing to neighbors within 300 feet of the subject property, posting of the site, and publication in the City Weekly Permit Bulletin.*

**Staff Analysis:** There is no public hearing requirement for a Short Plat Alteration pursuant to MICC 19.15.010(E) and 19.15.020(F)(1). SUB17-007 Short Plat Alteration and SUB17-006 Lot Line Consolidation were noticed together, refer to Exhibit 8. Property owners within 300 feet were notified of the applications by mailing and the site was posted with a public notice sign on June 12, 2016 as required by MICC 19.15.020(E)(4)(a). Notice of Application was also placed in the City Weekly Permit Bulletin on June 12, 2016 as required by MICC 19.15.020(D)(4). The comment period ended on July 12, 2017. No comment letters were received during the public notice period. The requirements within MICC 19.08.020(E)(1) and RCW 58.17.215 for public notice have been met.

4. **MICC 19.15.020 (K):** *Expiration of Approvals. Except for building permits or unless otherwise conditioned in the approval process, permits shall expire one year from the date of notice of decision if the activity approved by the permit is not exercised. Responsibility for knowledge of the expiration date shall be with the applicant.*

**Staff Analysis:** A condition of approval requiring that the timeline established by MICC 19.15.020 (K) be met has been added to this decision. As conditioned, this requirement has been met.

5. **MICC 19.08.030** Design Standards: *Improvements and dimensions of lots created by subdivision must meet the standards in 19.08.030.*

**Staff Analysis:** The proposal is to demolish two existing single-family residences and construct one new single-family residence on one lot, which would trigger the need for site improvements. The proposed consolidated lot meets the dimensions and improvement standards in 19.08.030.

6. **MICC 19.08.050, RCW 58.17, and WAC 332-130-050** list the requirements for the recording of a short plat alteration map.

**Staff Analysis:** MICC 19.08.010(G), MICC 19.08.010(G) and RCW 58.17 must be met prior to recording of the final short plat alteration map. The requirements of MICC 19.08.050, RCW 58.17, and WAC 332-130-050 have been added to this decision as conditions of approval, to be shown prior to final recording of the plat alteration. As conditioned, this standard is met.

### III. DECISION

Based upon the above Findings of Fact and Conclusions of Law, the proposed alteration to the MI-84-01-02 (SUB8401-002) Short Plat as shown in Exhibit 1 is hereby **APPROVED**, subject to the following Conditions of Approval. This decision is final unless appealed in writing consistent with adopted appeal procedures.

### IV. CONDITIONS OF APPROVAL

The following approval conditions shall be binding on the "Applicant", which shall include the owner or owners of the property, heirs, assign and successors:

#### **Planning:**

1. The final short plat alteration map shall be in substantial conformance with Exhibit 1, and as required to be amended to comply with these regulatory requirements.
2. The applicant shall verify that the “Grantors” and “Grantees” listed in the easement table on the face of the plat are accurate, prior to recording of the final short plat alteration.
3. 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.
4. The proposed final short plat alteration map must comply with MICC 19.08.050, Revised Code of Washington (RCW) 58.17, and all referenced standards therein prior to recording.
5. According to MICC 19.08.020 (F)(5)(b), you must apply for Final Plat within a year from the Notice of Decision for Preliminary Approval or else the Lot Line Consolidation SUB17-006 and Plat Alteration SUB17-007 are null and void (one year from December 26, 2017). The City may grant a single one-year extension, if the applicant submits the request in writing before the expiration of the preliminary approval. Please refer to MICC 19.08.050 for more details about the Final Plat Process.
6. Prior to City signatures, the Final Plat shall include the following:
  - a. Reference all recording numbers for easements shown on the face of the plat.
  - b. Indicate existing, extinguished, and new recorded easements. Clearly distinguish all public and private easements.
  - c. Include an updated (recent) Title Report.
  - d. The name and seal of the registered engineer or the registered land surveyor.
  - e. Indicate the piped watercourse and associated 5-foot buffer.
  - f. Certificates by the county assessor showing that the taxes and assessments on the land to be submitted have been paid in accordance with law, including a deposit for the taxes for the following year.
  - g. Approval by the county department of records.
  - h. Conditions of approval created at preliminary subdivision approval that affect individual lots or tracts.

**Engineering:**

7. 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. All recording numbers must be shown on the final plat.
8. Submit using Mercer Island's datum and tie the plat to at least two known City monuments.

9. The applicant has the following two options for the removing of the existing private storm drainage system servicing the property of 7850 SE 20th Street:

Option 1: Apply for a Site Development Permit for the removing of the existing private storm drainage system servicing the property of 7850 SE 20<sup>th</sup> Street, and constructing of the new private storm drainage system within the proposed private storm drainage easement as shown on the plat drawing. The removing of the existing private storm drainage system and constructing of the new private storm drainage system must be completed prior to record the final plat.

Option 2: Deposit with the city a performance bond or funds for a set-aside account in an amount equal to 150 percent of the cost of the required improvements (removing the existing storm drainage system and constructing a new storm drainage system), as established by the City Engineer. The city must receive the bond or funds for a set-aside account prior to record the plat. The final plat must note that the existing private storm drainage system shall not be removed until the new private storm drainage system is constructed and fully functioning, and the construction must be accepted by the City Engineer.

**Fire:**

10. The applicant shall demo one house prior to the extinguishment of the joint driveway easement (Recording number 20030828001029) and the ingress, egress and utility easement (Recording number 198406269002) for 7840 SE 20<sup>th</sup> ST, due to fire access.
11. Fire Code Official review will occur at the time of building permit 1705-086 review.

**Approved this 26<sup>th</sup> day of December 2017.**



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Lauren Anderson, Assistant Planner  
Development Services Group  
City of Mercer Island

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*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.*

**APPEAL INFORMATION**

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.