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BEFORE THE HEARING EXAMINER OF THE CITY OF MERCER ISLAND

In Re The Appeal of:

CAROL ANN COOK REVOCABLE
LIVING TRUST,

Appellant,

v.

CITY OF MERCER ISLAND,

Respondent.

No. APL21-004

(Ref. No. CAO 20-004)

DECLARATION OF ROBIN
PROEBSTING IN SUPPORT OF CITY
OF MERCER ISLAND'S PARTIAL
MOTION TO DISMISS

I, Robin Proebsting, declare and state:

1. I am over the age of eighteen year, not a party to this action, and competent to testify herein.

2. I am a Senior Planner with the City of Mercer Island and have been employed there since 2016.

3. I am the staff member within the City's Department of Community Planning and Development assigned to the application for Critical Area Review 1 for the property at 7025 N. Mercer Way, Mercer Island, WA.

4. As of the date of this declaration, the City has not received any other land use review application for 7025 N. Mercer Way, such as a building permit application.

5. As of the date of this declaration, the Appellant has not applied for nor proposed buffer averaging pursuant to MICC 19.07.180(C)(4).

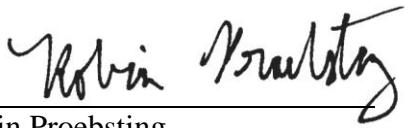
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6. As of the date of this declaration, the Appellant has not applied for nor proposed buffer averaging pursuant to MICC 19.07.180(C)(5).

7. As of the date of this declaration, the Appellant has not applied for a reasonable use exception.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 19th day of April, 2021, at Seattle, Washington.

By: 
Robin Proebsting

1 **DECLARATION OF SERVICE**

2 I, Tori Harris, declare and state:

3 1. I am a citizen of the State of Washington, over the age of eighteen years, not a party
4 to this action, and competent to be a witness herein.

5 2. On the 19th day of April, 2021, I served a true copy of the foregoing Declaration
6 of Robin Proebsting in Support of City of Mercer Island’s Partial Motion to Dismiss on the
7 following counsel of record using the method of service indicated below:

8 Kristen C. Reid, WSBA No. 38723 9 Belcher Swanson, PLLC 10 900 Dupont Street 11 Bellingham, WA 98225 Counsel for Petitioner	<input type="checkbox"/> First Class, U.S. Mail, Postage Prepaid <input type="checkbox"/> Legal Messenger <input type="checkbox"/> Overnight Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> E-Mail: kristen@belcherswanson.com <input type="checkbox"/> EService pursuant to LGR
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12 I declare under penalty of perjury under the laws of the State of Washington that the
13 foregoing is true and correct.

14 DATED this 19th day of April, 2021, at Seattle, Washington.

15 **MADRONA LAW GROUP, PLLC**

16 *Tori Harris*

17
18 Tori Harris