

BEFORE THE HEARING EXAMINER OF THE CITY OF MERCER ISLAND

In Re The Appeal of:

DANIEL GROVE; MARTIN SNOEY; JIM MATTISON; SUSAN MATTISON; PAM FAULKNER; BRIGID STACKPOOL; and LYNN MICHAEL,

Appellants,

v.

CITY OF MERCER ISLAND,

Respondent.

No. APL23-009

CITY OF MERCER ISLAND'S EXHIBIT LIST

The City of Mercer Island submits the following exhibits in the above-referenced matter, currently set for hearing on *December 7, 2023*.

Exhibit No.	Description	Date	Bates No.
1	City of Mercer Island Notice of Decision	October 11, 2023	MI_000001 - 000002
2	City of Mercer Island Staff Report	October 9, 2023	MI_000003 - 000011
	2.1 Development Application signed	Received July 3, 2023	MI_000012
	2.2 Revised Development Plan Set	August 9, 2023	MI_000013 - 000021
	2.3 Project Narrative dated July 2, 2023	Received July 4, 2023	MI_000022

Exhibit No.	Description	Date	Bates No.
	2.4 Hazard Report	August 9, 2023	MI 000023
	2.5 Geotechnical Engineering Study and Critical Areas Study prepared by Geotech Consultants, Inc. dated March 21, 2022	Received July 3, 2023	MI_000024 - 000065
	2.6 Review of Revised Plans and Letter Addendum prepared by Geotech Consultants, Inc., dated June 6, 2023	Received July 3, 2023	MI_000066 - 000082
	2.7 Review of Planting Plan prepared by Superior NW Enterprises	February 14, 2023	MI_000083
	2.8 Review of Retaining Wall Plan Impacts prepared by Superior NW Enterprises	August 24, 2023	MI_000084 - 000086
	2.9 City of Mercer Island Arborist Approval	October 2, 2023	MI_000087 - 000089
	2.10 City of Mercer Island Geotech Approval	July 10, 2023	MI_000090 - 000091
	2.11 City of Mercer Island Geotech Review Letter	September 22, 2023	MI_000092 -
	2.12 Critical Areas Disclosure and Notice on Title	Received August 23, 2023	MI_000093 - 000095
	2.13 City of Mercer Island CAO23-011 SUB1 Review Letter	August 18, 2023	MI_000096 - 000098
	2.14 Public Comments: Pamela Faulkner and Brigid Stackpool received August 3, 2023 via email; Dan Grove received August 9 via email; Jim Mattison received August 9 via email; Martin Snoey received August 9 via email; Dan Grove received August 31, 2023 via email; Martin Snoey received August 31, 2023 via email.	Dates noted	MI_000099 - 000165
	2.15 Applicant Response to Public Comments	August 23, 2023	MI_000166-000167
3	Shoring Sequencing Memo	August 23, 2023	MI_000168
4	Superior NW Enterprises Pre-Construction Assessment	August 16, 2022	MI_000169 - 000178
5	Zoning Code	September 26, 1960	MI_000179 - 000227
6	Scott Selby Consulting LLC – Tree Health Assessment	October 21, 2023	MI_000228 - 000236

Exhibit No.	Description	Date	Bates No.
7	List of Appellants	October 22, 2023	MI_000237
8	Signed Appeal Form	October 22, 2023	MI_000238
9	Additional Pages of Appeal	October 23, 2023	MI_000239 - 000255
10	Hearing Examiner Galt Scheduling Letter	October 24, 2023	MI_000256-000258
11	City of Mercer Island's Notice of Appearance	October 26, 2023	MI_000259 - 000262
12	City of Mercer Island's Declaration of Notice	November 7, 2023	MI_000263 - 000267
13	City of Mercer Island's Motion to Dismiss	November 17, 2023	MI_000268 - 000278
14	James Harper Report from Bush, Roed & Hitchings, Inc. review of surveys	August 14, 2023	MI_000279 - 000280
15	DSG Policy Memorandum Administrative Interpretation #DCI12-004	January 9, 2013	MI_000281 - 000282
16	DSG Policy Memorandum Administrative Interpretation #DCI04-004	August 9, 2004	MI_000283 - 000284
17	Public Notice of Application	July 10, 2023	MI_000285 - 000286
18	Ordinance No. 02C-09 – Amending Retaining Walls	October 21, 2002	MI_000287 - 000294
19	Ordinance No. 236 – Mercer Island Zoning Code	November 10, 1969	MI_000295 - 000297
20	City of Mercer Island's Staff Report	November 27, 2023	MI_000298 - 000305

The City reserves the right to seek admission of rebuttal exhibits after review of the Appellants' and Applicant's exhibits. The City further reserves the right to utilize documents identified by Appellants or Applicant, and to rely on and elicit testimony concerning any provision of the Revised Code of Washington, Washington Administrative Code, or Mercer Island City Code.

DATED this 27th day of November, 2023.

MADRONA LAW GROUP, PLLC

By: /s/ Kim Admas Pratt

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OFFICE OF THE CITY ATTORNEY

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Attorneys for City of Mercer Island

1 **DECLARATION OF SERVICE**

2 I, Reina McCauley, declare and state:

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

5 2. On the 27th day of November, 2023, I served a true copy of the foregoing **CITY OF**
6 **MERCER ISLAND’S EXHIBIT LIST AND EXHIBITS** on the following parties using the
7 method of service indicated below:
8

<p>9 Daniel Grove 3515 72nd Avenue SE 10 Mercer Island, WA 98040 11 <i>Appellant</i></p>	<p><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: dan@grove.cx</p>
<p>13 Martin Snoey 7145 SE 35th Street 14 Mercer Island, WA 98040 15 <i>Appellant</i></p>	<p><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: mrsnoey@msn.com</p>
<p>17 Jim and Susan Mattison 7075 SE Maker Street 18 Mercer Island, WA 98040 19 <i>Appellants</i></p>	<p><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: jim@mattison.me susan@mattison.me</p>
<p>21 Pam Faulkner 7011 SE Maker Street 22 Mercer Island, WA 98040 23 <i>Appellant</i></p>	<p><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: pfaulk9801@gmail.com</p>

1 2 3 4	Brigid Stackpool 7011 SE Maker Street Mercer Island, WA 98040 <i>Appellant</i>	<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: bstackpool@gmail.com
5 6 7 8	Lynn Michael 7030 SE Maker Street Mercer Island, WA 98040 <i>Appellant</i>	<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: lynn@jakkal.net
9 10 11 12	Jeffrey Almeter <i>Engineer for Respondent Dorothy Strand</i>	<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: Jeffrey.almeter@gmail.com
13 14 15 16	David J. Lawyer Inslee, Best, Doezie & Ryder, P.S. 10900 NE 4 th Street, Suite 1500 Bellevue, WA 98004 <i>Attorney for Respondent Strand</i>	<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: dlawyer@insleebest.com kcra2005@yahoo.com jkovalenko@insleebest.com
17 18 19 20 21	John Galt City of Mercer Island 927 Grand Avenue Everett, WA 98201 <i>Hearing Examiner</i>	<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: jegalt755@gmail.com Mary.swan@mercerisland.gov

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

24 DATED this 27th day of November, 2023, at Whittier, California.

25 /s/Reina McCauley
Reina McCauley