



CITY OF MERCER ISLAND

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March 20, 2017

MI Treehouse, LLC
Attn: Bill Summers
PO Box 261
Medina, WA 98039

RE: CAO15-001 and SEP15-001 – MI Treehouse Reasonable Use Exception and SEPA Determination

Dear Bill Summers,

On March 8, 2017, the Hearing Examiner issued a decision on the proposed Reasonable Use Exception; a Notice of Decision was issued on March 13, 2017. In summary, the Hearing Examiner remanded the Reasonable Use Exception to the City for further review of geologically hazardous areas, and for issuance of a SEPA Determination (Conclusion 7, HE Decision). Following the review of this decision and the application, the City has determined that additional information related to this project is required prior to issuance of a SEPA Determination and completion of the critical areas review:

1. SEPA Checklist:

- a. The "Revised SEPA Checklist" was prepared January 7, 2015 and signed March 16, 2015. These dates precede the current reasonable use exception (RUE) proposal, which was received on October 18, 2016. *Please provide an updated SEPA checklist that evaluates the current proposal as reflected in the October 18, 2016 submittal.*
- b. The "Revised SEPA Checklist" does not include the revisions to the SEPA checklist adopted by the Department of Ecology in 2014. The Department of Ecology has indicated that failure to use the updated SEPA Checklist will result in an incomplete SEPA review. *Please provide an updated SEPA Checklist on the up to date SEPA checklist, available here:*
<http://www.ecy.wa.gov/programs/sea/sepa/docs/checklistGuidanceLinks.pdf>

2. Geotechnical Review:

- a. During testimony at the public hearing, the applicant indicated that the scope of the proposed RUE included a request for modification of the standards in Chapter 19.07 MICC with regard to geologic hazardous areas. It is not apparent, based upon a review of the file, where the current proposal does not comply with the development standards for geologic hazardous areas. *Please describe the scope of the proposed RUE with regard to geologic hazardous areas. Please specifically which standards related to geologically hazardous areas contained within Chapter 19.07 MICC prevent reasonable use of the site.*
- b. Conclusion 5 of the Hearing Examiner's decision indicates that the current geotechnical

report provided by the applicant is not sufficient to address potential adverse impacts to adjacent and down-current properties. *Please provide updated an updated geotechnical report addressing the provisions of Chapter 19.07 MICC for review.*

- c. Conclusion 7 of the Hearing Examiner's decision remands the review back to the City to complete "...critical areas and SEPA analyses...". A critical areas determination is required to authorize alteration of a steep slope (ref. Chapters 19.07, 19.15, and 19.16 MICC). *Please apply for a critical areas determination.*

Please coordinate with the City's Customer Service Team to submit the above. Based upon a review of the above items, the City anticipates the following additional items will be required for a complete response to this request for information:

- A. A cover letter describing the scope of the proposed RUE;
- B. An updated SEPA checklist;
- C. An updated Geotechnical Report;
- D. A complete application for a Critical Areas Determination; and,
- E. Any additional information the applicant believes is relevant to the application for the Reasonable Use Exception, the SEPA review, or the Critical Areas Determination.

Please provide the above items by May 19, 2017 (**60 days**). The City may authorize additional time for submittal of the above information based upon a written request for a deadline extension, accompanied by a schedule for resubmittal.

The Planning Division's processing of the reasonable use exception and SEPA determination is on hold until additional information is received. Please do not hesitate to contact me at 206-275-7732 or via e-mail at evan.maxim@mercergov.org if you have any questions.

Sincerely,



Evan Maxim, Planning Manager
City of Mercer Island Development Services Group
evan.maxim@mercergov.org
(206) 275-7732

Cc: Rich Hill, VIA EMAIL ONLY
Ron Healey, VIA EMAIL ONLY