

# NOTICE OF DECISION



**NOTICE IS HEREBY GIVEN** that the project below has been remanded for further review as described below:

- File No.:** CAO15-001
- Description:** A reasonable use exception for a single family home on property occupied by a wetland, stream, and geologically hazardous areas. The City recommended denial of the reasonable use exception at a public hearing on February 13, 2017. Following the public hearing, the Hearing Examiner issued a decision remanding the reasonable use exception back to city staff for further SEPA review and review of geologically hazardous areas onsite.
- Applicant(s):** Bill Summers (MI Treehouse, LLC)
- Owner(s):** Bill Summers
- Location of Property:** 5637 East Mercer Way, Mercer Island, WA 98040
- SEPA Determination:** The City has not issued a SEPA Determination for this project.
- Applicable Development Regulations:** Pursuant to MICC 19.15.010(E), applications for reasonable use exceptions are required to be processed as Discretionary Actions, with the Hearing Examiner as the decision authority. Any alteration of a critical area or buffer shall meet the requirements of Chapter 19.07 MICC. Reasonable use exception procedures are detailed in MICC 19.07.030(B)(1). Criteria for reasonable use exceptions are detailed in MICC 19.07.030(B)(3).
- Other Associated Permits:** SEP15-001, possible future building permits
- Decision:** Remanded for SEPA Determination and further review
- Appeal Rights:** *DISCLAIMER: This information is provided as a courtesy. It is the ultimate responsibility of the appellant to comply with all legal requirements for the filing of an appeal.*

Parties of record have the right to appeal certain permit and land use decisions. In some cases, other affected parties also have appeal rights. Depending on the type of decision, the appeal may be heard by a City Hearing Examiner, Commission, Board, or City Council, or outside the City to the State Shoreline Hearings Board, the State Growth Management Hearings Board, or King County Superior Court. For a comprehensive list of actions and the applicable entity who will hear the appeal, see MICC 19.15.010(E).

If you desire to file an appeal of a decision that is appealable to the City, you must submit the appropriate form and file it with the City Clerk **within the time stated in the Notice of Decision.** Forms are available from the Development Services Group. Upon receipt of a timely complete [appeal application](#) and [appeal fee](#), an appeal hearing will be scheduled. To reverse, modify or remand a 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.

**Property Tax Revaluation:** Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation. For more information, please contact the King County Assessor's office at (206) 296-7300.

**Application Process Information:**  
Date of Application: January 14, 2015  
Date Determined to Be Complete: March 30, 2015  
Date of Public Hearing: February 15, 2017  
Date of Hearing Examiner's Decision: March 8, 2017  
Date of Notice of Decision: March 13, 2017  
Appeal Filing Deadline: 5:00 PM on Monday, April 3, 2017

You may review the file on this matter, weekdays between 8:30 a.m. and 5:00 p.m. at Mercer Island City Hall, 9611 SE 36th Street, Mercer Island, WA. Questions regarding this matter should be referred to:

Evan Maxim, Planning Manager  
Development Services Group  
City of Mercer Island  
9611 SE 36th Street  
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(206) 275-7732  
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