**PUBLIC NOTICE OF OPEN RECORD HEARING**



**NOTICE IS HEREBY GIVEN** that the City of Mercer Island Hearing Examiner will conduct an Open Record Public Hearing regarding final design review for the project described below:

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| **File Nos.:** | CAO15-001 and VAR18-002 |
| **Description of Request:** | The Applicant has revised the reasonable use exception (CAO15-001) and has applied for a zoning variance (VAR18-002), to construct a proposed house and associated improvements at 5637 East Mercer Way. The proposed house and improvements will be located within regulated wetland, and wetland and watercourse buffer areas, which is the basis for the reasonable use exception application. The proposed house is located within a required setback from an easement to reduce impacts to critical areas, which is the basis for the proposed zoning variance. |
| **Applicant :** | Bill Summers for MI Treehouse, LLC |
| **Location of Property:** | 5637 East Mercer Way, Mercer Island WA 98040;  Identified by King County Assessor tax parcel number 1924059312 |
| **SEPA Compliance:** | A SEPA Mitigated Determination of Non Significance (MDNS) was issued on January 13, 2020; no appeal of the MDNS has been filed. |
| **Public Comments:** | Only those persons who submitted written comments within the comment period or those who testify at the future open record public hearing will become parties of record and receive the subsequent Notice of Decision on these actions. Only parties of record will have the right to file an appeal action. |
| **Time, Date and Location of Open Record Public Hearing:** | Pursuant to MICC 19.15.010(E), applications for reasonable use exceptions are required to be processed as a Type IV action, with the Hearing Examiner as the decision authority. The public hearing is scheduled for **July 20, 2020**, beginning at **10:00 AM**.  The meeting will be held virtually using video conferencing technology provided by Zoom, and the public will have the opportunity to comment during the public hearing by either calling in or logging onto the meeting as a Zoom attendee. The City will also accept written comments until such time that the public hearing is adjourned. Finally, should restrictions on “in-person” attendance of City Council meetings be lifted, opportunity to comment during the public hearing will be available at City Hall, located at 9611 SE 36th Street, Mercer Island, WA 98040. |
| **Applicable Development Regulations:** | Pursuant to MICC 19.15.010(E), applications for Reasonable Use Exceptions (RUE) and Zoning Variances are Type IV decisions, 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. Criteria for RUEs are detailed in [MICC 19.07.140](https://mercerisland.municipal.codes/MICC/19.07.140). Dimensional standards, including setbacks from easements, for residential lots are established in Chapter 19.02 MICC. Criteria for Variances are detailed in [MICC 19.06.110(B)](https://mercerisland.municipal.codes/MICC/19.06.110(B)). |
| **Other Associated Permits:** | SEP15-001 |
| **Project Documents:** | Please follow this file path to access the associated documents for this project: [https://mieplan.mercergov.org/public/CAO15-001 SEP15-001 VAR18-002](https://mieplan.mercergov.org/public/CAO15-001%20SEP15-001%20VAR18-002)/ |
| **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.  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 Community Planning and Development department. 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. |
| **Application Process Information:** | Date of Reasonable Use Application: January 15, 2015  Date of Zoning Variance Application: May 8, 2018  Date of Reasonable Use Exception Complete Application: March 30, 2015  Date of Zoning Variance Complete Application: May 21, 2018  Bulletin Notice: August 26, 2019  Date Mailed: August 26, 2019  Date Posted on Site: August 26, 2019  Comment Period Ends: 5:00PM on September 25, 2019  Date of Notice of Public Hearing: June 15, 2020  Public Hearing Date: July 20, 2020 |

The project is available for review at the City of Mercer Island, Community Planning and Development, 9611 SE 36th Street, Mercer Island, Washington.

Evan Maxim, Director

Community Planning and Development

City of Mercer Island

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