

**MITIGATED DETERMINATION**

**OF NON-SIGNIFICANCE (MDNS)**

Application Nos.: SEP15-001, VAR18-002, CAO15-001

Description of proposal: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.

Proponent: MI Treehouse, LLC (c/o Bill Summers)

Location of proposal: 5637 East Mercer Way, Mercer Island, WA, 98040;Identified by King County Assessor tax parcel number 1924059312

Lead agency: **City of Mercer Island**

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist; a Fannie Mae Phase I Environmental Site Assessment, dated August 5, 2010; a transportation impact study prepared by TENW, dated November 23, 2015 and June 9, 2016; an arborist report by Gilles Consulting, dated November 24, 2015; and a geotechnical engineering study by Earth Solutions NW, LLC, dated November 9, 2015. This information is available to the public on request.

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| X | This MDNS is issued after using the optional process in WAC 197-11-355. There is no further comment period on the MDNS. |

Responsible Official: Evan Maxim, Director

Community Planning and Development

City of Mercer Island

9611 SE 36th Street

# Mercer Island, WA 98040

# Email: [evan.maxim@mercergov.org](mailto:evan.maxim@mercergov.org)

Date: Signature:

**APPEAL INFORMATION**

This decision to issue a Mitigated Determination of Non-significance (MDNS) rather than to require an EIS may be appealed pursuant to Chapters 19.15 and 19.21 of the Mercer Island City Code.

Any party of record may appeal this determination to the City Clerk at 9611 SE 36th Street Mercer Island, WA 98040 no later than **5:00 PM on Monday, November 18, 2019** by filing a timely and complete appeal application and paying the appeal fee. You should be prepared to make specific factual objections. Contact the City Clerk to read or ask about the procedures for SEPA appeals. To reverse, modify, or remand this 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.

**MITIGATION CONDITIONS**

The following conditions are required pursuant to RCW 43.21C.060 and WAC 197-11-350 to mitigate probable and unavoidable impacts identified for this proposal. All conditions of mitigation must be completed prior to building permit final approval.