

9200 S.E. 57th Street
Mercer Island, Washington 98040
April 26, 2015

Travis Saunders, Senior Planner
Development Services Group
City of Mercer Island
9611 S.E. 36th Street
Mercer Island, WA 98040

RECEIVED
APR 27 2015
CITY OF MERCER ISLAND
DEVELOPMENT SERVICES

Re: Comment to Application, CAO 15-001 and SEP 15-001

Dear Mr. Saunders,

This is a written protest and comment to the application of MI Treehouse, LLC as described in the Public Notice of Application, dated April 13, 2015.

My wife and I are owners of the house and lot located at 9200 S.E. 57th Street, Mercer Island. We have owned this property since December 1970. The northern part of our lot encompasses a fairly steep hill that leads to a ravine. My wife and I protest the construction of the house that MI Treehouse, LLC seeks to build further down the ravine as described in the Public Notice of Application.

I have read the letter submitted by our next-door neighbor Gordon Ahalt in opposition the application of MI Treehouse, LLC. My wife and I adopt the points made by Mr. Ahalt and incorporate those comments herein by reference. Because of the extremely short time between the actual receipt of the Public Notice in the mail and the due date of the comments, I have not had an opportunity to consult with experts concerning the application. However, I reserve the right to do so and to submit further information, including technical information and the views of experts, at the public hearing.

While not technical information, I do have an additional observation to make. The property in question was sold to MI Treehouse, LLC on September 24, 2014, by Joseph Brotherton. Records show that the total excise tax paid on this transaction was based on a selling price of \$32,094. On July 29, 2014, the property had been sold by March McDonald Inc. to Joseph Brotherton. Records show that the total excise tax paid on this earlier transaction was based on a selling price of \$30,539.

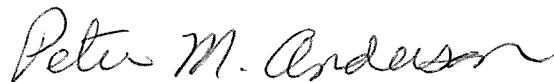
Under RCW 82.45.060 the excise tax on the sale of real estate is based on a percentage of the "selling price." RCW 82.45.030 in turn defines "selling price" as the "the true and fair value of the property conveyed." Thus, MI Treehouse, Joseph Brotherton, and March McDonald have represented to the State of Washington in the last year that the "true and fair value" of the lot in

question is \$32,092 or less. In this regard, it should be noted that the lot in question is an extremely large lot. The lot owned by my wife and me is a fairly large lot, but the lot which is the subject of the application appears to be more than twice the size of our lot. With the very high property prices on Mercer Island, certainly a lot which a reasonable person believed could be the location of a house, even if it were a very small lot, would have a "true and fair value" vastly exceeding \$32,092.

MI Treehouse seeks a "reasonable use exception" under MICC 19.07.030. The threshold question is whether the construction of a home on this property is a "reasonable use." MICC 19.16.010 defines the phrase "reasonable use." It states in part: "A reasonable use exception set forth in MICC 19.07.030 (B) balances the public interests against the regulation **being unduly oppressive to the property owner**" [emphasis added]. In our case, the extremely low "true and fair market value" of this property, as certified by the three recent owners, is **totally inconsistent** with a contention that a reasonable person would consider a house on this property to be a "reasonable use." Furthermore, not allowing MI Treehouse to build a house on this property is not "unduly oppressive." The total compensation paid for the lot by MI Treehouse is totally consistent with the purchase of an unbuildable lot. If a house is not allowed on this property, the loss of property value to MI Treehouse is zero. Under no circumstances can a denial of the application be considered "oppressive" to MI Treehouse.

This notice is being hand-delivered to the City of Mercer Island on the morning of April 27, 2015.

Very truly yours,

A handwritten signature in cursive script that reads "Peter M. Anderson".

Peter M. Anderson