Good Morning Mr. Hearing Examiner, my name is Evan Maxim. I am the Community Planning and Development Director for the City of Mercer Island.

I recognize that the applicant has already provided you with an overview of their proposed project and you have had a chance to review the City’s recommendation, so I thought I would keep my introductory comments relatively brief.

We’re here for a public hearing on a proposed Zoning Variance and Reasonable Use Exception for the construction of a single-family dwelling located at 5637 East Mercer Way.

The subject property is residentially zoned (R-15) and was created through the Sunrise Ridge short plat (Exhibit 39) in 1977. The site is currently vacant and heavily vegetated. A public trail and utility easement are located on the north side of the site, and a driveway to an adjacent house crosses the southeast portion of the property.

The subject site is constrained by geologically hazardous areas, including erosion, landslide hazard areas, and steep slopes. The property is sloped from west (top) to east (bottom). The entire site is constrained by Type III wetland areas and their associated buffers; two watercourses (Np) also cross the subject site flowing from west to east. These watercourses converge immediately upslope of East Mercer Way, flow through a culvert, flow downhill through several residentially zoned lots, and discharge into Lake Sammamish.

Construction of a single-family home and other site improvements on the subject site requires the approval of a Reasonable Use Exception to allow for proposed wetland fill, and alterations to wetland and watercourse buffers. The applicant has not requested any exception to the protection standards for geologically hazardous areas or development standards related to mitigation. The proposed zoning variance, which is intended to reduce the required setback from the vehicle easement from 5 feet to 2 feet, supports a reduction in the proposed impacts to onsite environmentally critical areas.

The proposed house, driveway, and retaining wall are located on the south side of the subject property, as far to the east as feasible without encroaching into the vehicle access easement. Reviewing the site plan (Exhibit 38), the resulting house footprint will be 1,631 square feet, with an additional driveway area of 1,560 square feet. There is a proposed (cut) retaining wall on the south side of the proposed house, supporting the hillside and adjacent property to the south. There is also a proposed retaining wall on the north side of the driveway, supporting the proposed driveway.

The City’s wetland and watercourse consultant, ESA has reviewed the applicant’s proposal and recommended approval with conditions. The City’s geotechnical reviewer, Shannon & Wilson, has also reviewed the geologically hazardous area constraints ( and has recommended approval with conditions.

The applicant originally applied for a Reasonable Use Exception in January of 2015. Public notice was initially provided in April 2015. Following review, the City issued a notice for a public hearing in January 2017 and participated in a public hearing on February 13, 2017. Based on the project design and information at the time of the public hearing, the City recommended denial of the proposed Reasonable Use Exception. Hearing Examiner Vancil remanded the application to the City and directed the City to conduct a SEPA review and complete the geotechnical review of the proposed project.

On July 17, 2017, the City issued a SEPA Determination of Significance; following a significant project re-design (including the application for a zoning variance), the SEPA DS was withdrawn on August 19, 2019 and a SEPA MDNS was issued on January 13, 2020.

On May 8, 2018, the applicant submitted a complete application for a zoning variance to reduce required setbacks from the vehicular access easement. A notice of application was issued in June of 2018. At the time of application, the City understood that the applicant desired a consolidated review of the proposed RUE and zoning variance; in part because the zoning variance was intended to reduce impacts to the critical areas on the site.

A notice of public hearing was initially issued on February 18, 2020 for a public hearing on March 19, 2020, however the hearing was cancelled due to the onset of COVID-19. A new notice of public hearing was issued on June 15, 2020 for this public hearing on July 20, 2020.

Public comment has been received throughout the review of this project and is included as Exhibits 6 and 54.

~~The City inadvertently excluded a public comment from the Muckleshoot Indian Tribe from the exhibit list pre-filed with the Hearing Examiner. This email was received on September 25, 2019 and should be added into the record as Exhibit~~ **~~62(?)~~** ~~to the City’s recommendation.~~ The tribe has commented on the preparation of information related to the use of the fee-in-lieu mitigation; the City will provide a copy of this material to the tribe during the review of the building permits, presuming the Hearing Examiner grants approval.

~~The City received an emailed public comment on July 19, 2020 from Jane Dieckman and Lori Hanson, which should added into the record as an Exhibit.~~

The City has recommended that the Hearing Examiner approve with conditions, both the zoning variance and the reasonable use exception based on the analysis contained in the City’s staff report. I am happy to answer any further questions by the Hearing Examiner.

City has not recited all regulatory limitations that are present on the subject site; conditions are intended to represent additional restrictions on development.

Condition A should be corrected to reference Exhibit 38, not Exhibit 36.

Condition F is based on the applicant’s consultant’s recommendations.