



January 17, 2025

McClellan | Tellone
Attn: Regan McClellan
3309 Wallingford Ave N
Seattle, WA 98103
Via: Email

RE: **CAO24-029 & SEP24-017** Review Letter 1; 5928 77th Ave SE, Mercer Island, WA 98040

Dear Regan McClellan,

The City of Mercer Island Community Planning and Development Department has completed a review for compliance with the zoning code, Title 19 of the Mercer Island City Code (MICC) for the above Critical Areas Reasonable Use Exception and SEPA Review applications. The following issues need to be addressed in your resubmission:

1. Review and prepare responses to the public comments received during the public comment period, [HERE](#).
2. The Critical Areas Reasonable Use Exception Application requires more detailed information from the applicant. Please provide detailed information demonstrating that the proposed development complies with the following:
 - a. [MICC 19.07.140\(A\)\(1\)](#) – The application of this chapter would deny all reasonable use of the property. The response in the submitted application materials is not sufficient. Please provide more information. In your narrative, please also include a demonstration that the options provided to you in the code are not sufficient to develop the property, including:
 - i. [MICC 19.07.180\(C\)\(4\)](#) for watercourse buffer averaging
 - ii. [MICC 19.07.130](#) for modifications to legally established structures
 - iii. [MICC 19.06.110\(C\)](#) for setback deviations for the protection of critical areas
 - b. [MICC 19.07.140\(A\)\(2\)](#) – There is no other reasonable use with less impact on the critical area. There is no response to this criterion in the application materials.
 - c. [MICC 19.07.140\(A\)\(3\)](#) – Any alteration to critical areas and associated buffers is the minimum necessary to allow for reasonable use of the property. The response in the submitted application materials is not sufficient. Please

demonstrate how the proposed development is designed to have the least impact on the critical areas.

- d. MICC 19.07.140(A)(4) – The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site. The response in the submitted application materials is not sufficient. Please demonstrate how the proposed development does not pose an unreasonable threat to the public health, safety, or welfare on or off the site.
- e. MICC 19.07.140(A)(5) – The proposal is consistent with the purpose of this chapter and the public interest. The response in the submitted application materials is not sufficient. Please demonstrate how the proposal is consistent with the purpose of this chapter in [MICC 19.07.010](#) and the public interest.
- f. MICC 19.07.140(A)(6) – The inability of the applicant to derive reasonable use of the property is not the result of actions by the current or prior property owner. Please provide more information.

The City's processing of the Critical Areas Reasonable Use Exception application has been put on hold until these issues are resolved. Pursuant to MICC 19.15.110, all requested information must be submitted within 60 days or a request for extension requested. The deadline for a complete response or request for extension is March 18, 2025. If a complete response is not received or an extension response has not been received prior to that date, the application will expire and be canceled for inactivity. No additional notification regarding this deadline or expiration of the application will be provided.

Sincerely,



Molly McGuire, Senior Planner
City of Mercer Island Community Planning and Development
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(206) 275-7712

Responding and Resubmitting: [Click for More Detailed Instructions](#)

1. Reply to all review comments within the review letter.
2. Update your drawings, and any necessary supplemental documents or forms.
3. Upload updated drawings to the [Mercer Island Permit Submittal Portal](#).

Having Trouble? Please Review the Following:

[Accessing, Reviewing, and Responding to MlePlan Comments](#)

[Troubleshooting MlePlan](#)

[MlePlan Overview](#)

Thank you for your participation in the MlePlan review process.