
COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040
206.275.7605 | www.mercerisland.gov/cpd



PUBLIC NOTICE OF HEARING EXAMINER DECISION

NOTICE IS HEREBY GIVEN that conditional approval has been granted by the Hearing Examiner for the application described below:

File No.: CAO24-029 & DEV25-005

Permit Type: Type IV (CAO24-029)
Type II (DEV25-005)

Description of Request: A request for a Critical Areas Reasonable Use Exception and Critical Areas Setback Deviation for a reduction in the front yard setback for the demolition of an existing single-family residence and construction of a new single-family residence on a site constrained by a wetland, watercourses, and their associated buffers, and potential slide, erosion, and seismic geologically hazardous areas. This hearing will determine the final size and location of the proposed development as it relates to the reasonable use of the property and protection of critical areas.

Applicant/Owner: Regan McClellan (McClellan | Tellone) / Tim & Kathy Bauman

Location of Property: 5928 77th Ave SE, Mercer Island, WA 98040
King County Assessor tax parcel number: 242404-9037

SEPA Compliance: Following review of the submitted State Environmental Policy Act (SEPA) checklist, an initial evaluation of the proposed project for probably significant adverse environmental impacts has been conducted. The City issued a SEPA Determination of Non-Significance (DNS) for this project on August 4, 2025. The optional DNS process, as specified in Washington Administrative Code (WAC) 197-11-355, is being used.

Applicable Development Regulations: Pursuant to Mercer Island City Code (MICC) [19.15.030](#), applications for Critical Areas Reasonable Use Exceptions are required to be processed as Type IV land use reviews. Applications for Setback Deviations are required to be processed as Type II land use reviews. Applications for a development proposal that involves the approval of two or more Type II, III, and IV reviews may be processed and decided together using the highest numbered land use decision; therefore, both applications were processed as a Type IV land use review.

Other Associated Permits: A future building permit is anticipated.

Project Documents: <https://mieplan.mercergov.org/public/CAO24-029>
<https://mieplan.mercergov.org/public/DEV25-005>

<https://mieplan.mercergov.org/public/SEP24-017>

Decision: Approved subject to conditions.

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 19.15.030 Table B.

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 Community Development and Planning. 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 Application:	August 26, 2024
	Determined to Be Complete:	November 4, 2024
	Public Comment Period:	November 12, 2024 through 5:00 PM on December 11, 2024
	Date of Open Record Public Hearing:	September 26, 2025
	Date Notice of Decision Issued:	October 13, 2025
	Appeal Filing Deadline:	5:00 PM on October 27, 2025
Project Contact:	Molly McGuire, Senior Planner molly.mcguire@mercerisland.gov (206) 275-7712	