

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | www.mercerisland.gov



CITY USE ONLY

PROJECT#

RECEIPT #

FEE

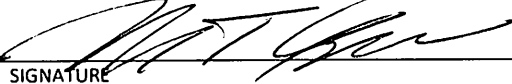
Date Received:

Received By:

DEVELOPMENT APPLICATION

STREET ADDRESS/LOCATION		ZONE
COUNTY ASSESSOR PARCEL #'S		PARCEL SIZE (SQ. FT.)
PROPERTY OWNER (required)	ADDRESS (required)	CELL/OFFICE (required) E-MAIL (required)
PROJECT CONTACT NAME Matthew Goldbach	ADDRESS 9980 SE 40th Street, Mercer Island	CELL/OFFICE 954-806-2489 E-MAIL matt@bitmax.net
TENANT NAME	ADDRESS	CELL PHONE E-MAIL

DECLARATION: I HEREBY STATE THAT I AM THE OWNER OF THE SUBJECT PROPERTY OR I HAVE BEEN AUTHORIZED BY THE OWNER(S) OF THE SUBJECT PROPERTY TO REPRESENT THIS APPLICATION, AND THAT THE INFORMATION FURNISHED BY ME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.


SIGNATURE

Oct. 19, 2020
DATE

PROPOSED APPLICATION(S) AND CLEAR DESCRIPTION OF PROPOSAL (PLEASE USE ADDITIONAL PAPER IF NEEDED):

Two text code amendments and one Comprehensive Plan Amendment. See attached three pages.

ATTACH RESPONSE TO DECISION CRITERIA IF APPLICABLE

CHECK TYPE OF LAND USE APPROVAL REQUESTED:

APPEALS

- ☐ Building
- ☐ Code Interpretation
- ☐ Land use
- ☐ Right-of-Way Use

CRITICAL AREAS

- ☐ Critical Area Review 1 (Hourly Rate 2hr Min)
- ☐ Critical Area Review 2 (Determination)
- ☐ Reasonable Use Exception

DESIGN REVIEW

- ☐ Pre Design Meeting
- ☐ Design Review (Code Official)
- ☐ Design Commission Study Session
- ☐ Design Review- Design Commission- Exterior Alteration
- ☐ Design Review- Design Commission- New Building

WIRELESS COMMUNICATION FACILITIES

- ☐ Wireless Communications Facilities- 6409 Exemption
- ☐ New Wireless Communication Facility

DEVIATIONS

- ☐ Changes to Antenna requirements
- ☐ Changes to Open Space
- ☐ Seasonal Development Limitation Waiver

ENVIRONMENTAL REVIEW (SEPA)

- ☐ SEPA Review (checklist)- Minor
- ☐ SEPA review (checklist)- Major
- ☐ Environmental Impact Statement

SHORELINE MANAGEMENT

- ☐ Exemption
- ☐ Permit Revision
- ☐ Shoreline Variance
- ☐ Shoreline Conditional Use Permit
- ☐ Substantial Development Permit

SUBDIVISION LONG PLAT

- ☐ Long Plat- Preliminary
- ☐ Long Plat- Alteration
- ☐ Long Plat- Final Plat

VARIANCES (Plus Hearing Examiner Fee)

- ☐ Variance

SUBDIVISION SHORT PLAT

- ☐ Short Plat- Two Lots
- ☐ Short Plat- Three Lots
- ☐ Short Plat- Four Lots
- ☐ Short Plat- Deviation of Acreage Limitation
- ☐ Short Plat- Amendment
- ☐ Short Plat- Final Plat

OTHER LAND USE

- ☐ Accessory Dwelling Unit
- ☐ Code Interpretation Request
- ☒ Comprehensive Plan Amendment (CPA)
- ☒ ~~Special Use Permit (SUP)~~
- ☐ Lot Line Revision
- ☐ Noise Exception
- ☐ Reclassification of Property (Rezoning)
- ☐ Transportation Concurrency (see supplemental application form)
- ☐ Planning Services (not associated with a permit or review)
- ☒ Zoning Code Text Amendment
- ☐ Request for letter
- ☐ Temporary Commerce on Public Property

REQUEST FOR CODE AMENDMENT

I request that Title 19 of MICC be amended to repeal MICC 19.15.230(I).

The City's application of MICC 19.15.230(I) might fail to comply with the GMA and might condone a future failure of the City to ensure that Comprehensive Plan policies are implemented by consistent development regulations.

In *Coen v. City of Mercer Island*, GMHB No. 18-3-0010, the GMHB advised that the City's application of MICC 19.15.230(I) "might result in a failure to comply [with the GMA]" and the GMHB further advised that the "Board shares Petitioner's concerns that the City's new code provision may appear to condone a future failure to ensure that plan policies are implemented by consistent development regulations." *Coen v. City of Mercer Island*, GMHB No. 18-3-0010 (FDO, May 10, 2019), at 1 and 10.

REQUEST FOR CODE AMENDMENT

I request that Title 19 of MICC be amended to assure and clarify that a conditional use permit is only applicable to the property for which it was granted and that other properties require their own conditional use permit. This amendment can be implemented by adding subsection MICC 19.06.110(A.)(5.)(c.). Exemplary language follows:

“(5.)(c.) Applicability. A conditional use permit shall be applicable only to the property for which it was granted. Property whether contiguous or noncontiguous to the property for which the conditional use permit was granted shall require new conditional use permit applications and shall be subject to this Chapter 19.13 MICC and to Chapter 19.15 MICC.”

REQUEST FOR COMPREHENSIVE PLAN AMENDMENT

I request that the Comprehensive Plan be amended to replace the current incorrect City Land Use Map with the correct City Land Use Map. This error was discovered at the GMHB meeting regarding the "CFZ". The City removed the "CFZ" but failed to correct the map regarding the "PBZ".

Evan Maxim assured me that this was a known "scriveners' error, as improbable as that may sound, and would be docketed this year as it is a legislative issue.

My request is merely to ensure that the Map is corrected without further delay.