



COMMUNITY PLANNING & DEVELOPMENT

206.275.7605

www.mercerisland.gov/cpd

CITY USE ONLY

PROJECT NO.	RECEIPT NO.	FEE
Date Received:		
Received By:		

REASONABLE USE EXCEPTION

A Reasonable Use Exception is a land use approval that allows exceptions to the standards in [MICC 19.07](#), Environment, if the application of those environmental regulations would deny all reasonable use of a property.

REVIEW PROCESS – TYPE IV LAND USE REVIEW

Type IV reviews require discretion and may be actions of broad public interest. Decisions on Type IV reviews are only taken after an open record public hearing. Type IV reviews require a pre-application meeting, letter of complete application, notice of application mailing and posting, a 30-day public comment period, public hearing, notice of decision, and the decision is made by the Hearing Examiner, or in some cases, Ecology.

The Hearing Examiner may approve, approve with conditions, or deny the request based on the proposal's ability to comply with the review criteria. The applicant has the burden of proof in demonstrating that the criteria are met.

SUBMITTAL CHECKLIST

In addition to the items listed below, the code official may require the submission of any documentation reasonably necessary for review and approval of the land use application. An applicant for a land use approval and/or development proposal shall demonstrate that the proposed development complies with the applicable regulations and decision criteria.

- ☐ 1. **Development Application Form.** Provide a completed and signed [Development Application Form](#).
- ☐ 2. **Pre-Application Meeting.** [Pre-Application Meetings](#) are required for Type III & IV Land Use Permit Applications.
- ☐ 3. **Project Narrative.** The project narrative should describe the proposed development, including any anticipated phases.
- ☐ 4. **Code Compliance Matrix.** Detail how the application meets the review criteria for Reasonable Use Exceptions in [MICC 19.07.140](#). Refer to the [Code Compliance Matrix Tip Sheet](#) for preparing the narrative.

The Criteria Compliance Narrative must contain demonstration that the proposal complies with all of the following:

- The application of this chapter would deny all reasonable use of the property;
- There is no other reasonable use with less impact on the critical area;
- Any alteration to critical areas and associated buffers is the minimum necessary to allow for reasonable use of the property;
- The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;
- The proposal is consistent with the purpose of this chapter and the public interest; and

- 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.

- ☐ 5. **Title Report.** Less than 30 days old. Required unless waived by the code official.
- ☐ 6. **Affidavit of Ownership.** An Affidavit of Ownership, signed before a notary. Required only if the Title Report does not clearly show ownership or authority to develop the property. Required unless waived by the code official.
- ☐ 7. **Affidavit of Agent Authority.** An Affidavit of Agent Authority, signed before a notary. Required unless waived by the code official.
- ☐ 8. **Development Plan Set.** Refer to the [Land Use Application Plan Set Guide](#) for preparing plans.
- ☐ 9. **Optional: Concurrent Review Form.** Provide a completed [Concurrent Review Form](#) if consolidated review for two or more land use applications is requested. Refer to [MICC 19.15.030\(F\)](#) for land use application reviews that may be consolidated.
- ☐ 10. **Critical Area Study(s).** Critical areas studies prepared by a qualified professional, if the site is constrained by a critical area and if the proposed scope of work results in an alteration to a critical area. A separate Critical Area Review 2 may be required.
- ☐ 11. **Arborist Report.** An Arborist Report is required unless waived by the code official. Arborist Reports must be prepared by a qualified professional.
- ☐ 12. **SEPA Checklist.** A SEPA Checklist and separate SEPA Review Application is required unless the project is categorically exempt per [WAC 197-11-800](#).
- ☐ 13. **Fees.** Payment of required fees. Refer to the City of Mercer Island [Fee Schedule](#) for current permit fees.

I HEREBY CERTIFY THAT I HAVE READ THIS APPLICATION AND SUBMITTAL CHECKLIST AND ALL REQUIRED APPLICATION MATERIALS ARE INCLUDED IN MY APPLICATION SUBMITTAL, UNLESS WAIVED BY THE CODE OFFICIAL. ALL INFORMATION SUBMITTED IS TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE. I ACKNOWLEDGE THAT WILLFUL MISREPRESENTATION OF INFORMATION WILL TERMINATE THIS APPLICATION. I UNDERSTAND THAT MY SUBMITTAL WILL BE REVIEWED FOR COMPLETENESS AND, IF FOUND TO BE COMPLETE, WILL BE PROCESSED PURSUANT TO THE PROVISIONS OF CHAPTER 19.15 MICC.

SIGNATURE

DATE