



COMMUNITY PLANNING & DEVELOPMENT

206.275.7605

www.mercerisland.gov/cpd

CITY USE ONLY

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

SETBACK DEVIATION

The purpose of a setback deviation is to increase protection of a critical area or critical area buffer. A setback deviation provides flexibility in designing a development proposal to allow for increased protection of critical areas or critical area buffer.

Front and rear setbacks may not be reduced to less than ten feet each and side setbacks may not be reduced to less than five feet.

REVIEW PROCESS – TYPE II LAND USE REVIEW

Type II reviews are based on clear, objective, and nondiscretionary standards or standards that require the application of professional expertise on technical issues. Type II reviews require a letter of complete application, public notification of application, and the decision is made by the Code Official. Type II reviews do not require a pre-application meeting, notice of application mailing and posting, public comment period, public hearing, or notice of decision.

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. **Project Narrative.** The project narrative should describe the proposed development, including any anticipated phases.
- ☐ 3. **Code Compliance Matrix.** Detail how the application meets the review criteria for Setback Deviations in [MICC 19.06.110\(C\)](#). Refer to the [Code Compliance Matrix Tip Sheet](#) for preparing the narrative.

The Criteria Compliance Narrative must include demonstration that the proposal meets the following criteria:

- No use deviation shall be allowed;
- The granting of the deviation will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the property is situated;
- The granting of the deviation will not alter the character of the neighborhood, nor impair the appropriate use or development of adjacent property;
- The deviation is consistent with the policies and provisions of the comprehensive plan and the development code;
- The basis for requesting the deviation is not the direct result of a past action by the current or prior property owner;

- The setback deviation is associated with the approval of development of a single lot or subdivision that is constrained by critical areas or critical area buffers;
- The building pad resulting from the proposed deviation will result in less impact to critical areas or critical area buffers; and
- Yard setbacks shall not be reduced below the following minimums:
 - Front and rear setbacks may not be reduced to less than ten feet each;
 - Side setbacks may not be reduced to less than five feet.

- ☐ **4. Title Report.** Less than 30 days old. Required unless waived by the code official.
- ☐ **5. 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.
- ☐ **6. Affidavit of Agent Authority.** An Affidavit of Agent Authority, signed before a notary. Required unless waived by the code official.
- ☐ **7. Development Plan Set.** Refer to the [Land Use Application Plan Set Guide](#) for preparing plans.
- ☐ **8. 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.
- ☐ **9. Critical Areas 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..
- ☐ **10. SEPA Checklist.** A SEPA Checklist and separate SEPA Review Application is required unless the project is categorically exempt per [WAC 197-11-800](#).
- ☐ **11. Arborist Report.** An Arborist Report prepared by a qualified professional is required, unless waived by the code official.
- ☐ **12. 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