
CITY OF MERCER ISLAND

DEVELOPMENT SERVICES GROUP

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | www.mercergov.org



WEEKLY BULLETIN

FREQUENTLY ASKED QUESTIONS

3. IF I OBJECT TO THE PROPOSED WORK, HOW CAN I COMMENT?

There are criteria in the MICC for which the application is reviewed. If the proposal meets the criteria required by City Code, the City must approve the permit. If the proposal does not meet the criteria, the applicant is notified and has the option to revise the proposed design. If you provide comments within the specified comment period, they will be forwarded to the appropriate reviewer, and you will become a party of record. Written comments can specifically address how the proposed work does not meet one or more of the criteria listed in the Applicable Development Regulations.

2. WHAT ARE THE CRITERIA FOR APPROVAL OF A PERMIT?

The criteria for review of a permit are found within the Mercer Island City Code and are listed in the Applicable Development Regulations section of the bulletin. Here is a link to the [City Code](#). Please feel free to call or email the staff contact listed on the front of the notice, and we will be happy to discuss the review process in more detail.

3. WILL THERE BE A PUBLIC HEARING ON THIS APPLICATION?

Public Hearings are only required for Discretionary Actions. For a list of Discretionary Actions, please refer to MICC 19.15.010(E). The public bulletin for each project will state under the Public Hearing section if a hearing is required.

4. WHO CAN I CONTACT TO GET MORE INFORMATION?

The contact information for the planner assigned to each specific project is listed on the bottom of the first page of each notice. You can call or email the planner assigned to the project using the provided contact information. You can also call the "Planner helpline" for zoning related questions at 206-275-7729. Additional resources available on-line include:

<http://www.mercergov.org/>: Staff directory, city regulations, and additional information about permits

<http://www.mybuildingpermit.com>: Follow the status of a specific permit by address or permit number

[Mercer Island Map Portal](#): A tool to search for site-specific information

5. I WANT TO ACCESS AND REVIEW SPECIFIC PROJECT DOCUMENTS.

Please click on the associated link under “Project Documents” on each Public Notice to access the folder with the project documents associated with the application. The project documents available through this link contain most, but may not contain all the publicly available information for each project. For example, when a project is updated with a different project design, older designs may be removed from the public folder to avoid confusion. Each folder will be updated when there is a project revision.

6. I WANT TO LEARN MORE ABOUT SEPA.

What is SEPA?

SEPA is an acronym for the State Environmental Policy Act and is a review that is intended to act as a “safety net” in protecting the environment. Following SEPA review, the City must issue a determination of Significance, Non Significance, or a Mitigated Determination of Non Significance. Applicants for a SEPA review must complete a SEPA [checklist](#), and may need to prepare additional mitigation to avoid a “probable significant impact” to the environment.

When is a project SEPA exempt?

The state Department of Ecology establishes categorical exemptions to SEPA review, which are generally described here: [WAC 197-11-800](#). For example, a shoreline dock may be SEPA exempt if the dock was legally established and normal maintenance and repair is proposed. However, SEPA is required if the dock will expand or if a new dock is being built.

Where can I find more information?

Please check out the Washington State Department of Ecology SEPA [website](#) and the SEPA [handbook](#). Another useful page is the SEPA form templates found [here](#).

7. I APPRECIATE RECEIVING THESE NOTICES. HOW DO I AUTOMATICALLY GET A COPY OF ALL PUBLIC NOTICE OF APPLICATIONS AND DECISIONS?

Simply send us an e-mail a request and we will email a link to any future notice of applications and decisions that are published in the city’s Weekly Permit Bulletin. Currently, the request can be sent to lauren.anderson@mercergov.org.

**NO BUILDING PERMIT NOTICE OF
APPLICATION**

**LAND USE PERMIT NOTICE OF APPLICATION
AND DECISION**

PUBLIC NOTICE OF DECISION



NOTICE IS HEREBY GIVEN that approval has been granted for the application described below:

- File No.:** CAO17-009
- Description:** Proposal to reduce the buffers of a Category IV wetland and Type 2 stream to 25 feet with proposed mitigation. Mitigation includes removal of existing surface improvements, removal of non-native plants and noxious weeds, and addition of soil amendments and native plants.
- Applicant / Owner:** Jim Dearth (Ripple Design Studio) / New Horizon Real Estate
- Location of Property:** 8375 E Mercer Way, Mercer Island, WA, 98040;
Identified by King County Assessor tax parcel number 0321100145
- SEPA Determination:** The proposal is categorically exempt from SEPA review per WAC 197-11-800(6)(e).
- Applicable Development Regulations:** Pursuant to MICC 19.15.010(E), an application for a Critical Areas Determination is required to be processed as an Administrative Action. Processing requirements for Administrative Actions are further detailed in MICC 19.15.020. The project has been reviewed for consistency with the following sections of the Mercer Island City Code: MICC 19.07 – Environment, MICC 19.15 - Administration, and MICC 19.16 - Definitions.
- Project Documents:** Please follow this file path to access the associated documents for this project:
<https://mieplan.mercergov.org/public/CAO17-009/>
- Other Associated Permits:** Site Development Permit 1709-007 and building permit 1709-164.
- 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 19.15.010(E).

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 the Development Services Group. 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.

**Property Tax
Revaluation:**

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation. For more information, please contact the King County Assessor's office at (206) 296-7300.

**Application
Process
Information:**

Date of Application: June 22, 2017
Date Determined to Be Complete: August 4, 2017
Public Comment Period: August 14, 2017 through 5:00 PM on September 13, 2017
Date Notice of Decision Issued: May 21, 2018
Appeal Filing Deadline: 5:00 PM on Monday June 4, 2018

The project is available for review at the City of Mercer Island, Development Services Group, 9611 SE 36th Street, Mercer Island, Washington.

Project Contact:

Robin Proebsting, Senior Planner
Development Services Group
City of Mercer Island
9611 SE 36th Street
Mercer Island, WA 98040
(206) 275-7717

robin.proebsting@mercergov.org

REVISED PUBLIC NOTICE OF DECISION



NOTICE IS HEREBY GIVEN that APPROVAL has been granted for the *revised* application described below:

File No.: MIN07

Description: The applicant submitted a revised small cell design and location on April 13, 2018, relocating the proposed small cell facility to an alternate PSE pole, located approximately 80 feet to the southwest of the original location. The proposed small cell facility will be approximately 10 feet shorter than the original proposed facility. The City has approved the installation of this revised facility subject to project plans on file.

Applicant WA-CLEC, LLC

Utility Pole Owner: Puget Sound Energy (“PSE”)

Address of Nearest Property to the Proposed Small Cell: 2825 West Mercer Way, Mercer Island, WA, 98040;

SEPA Determination: The proposal is categorically exempt from SEPA review per WAC 197-11-800(6)(e).

Applicable Development Regulations: The application was reviewed for consistency with applicable Right-of-Way Permit requirements in Chapter 19.09 Mercer Island City Code (MICC) and small cell requirements in Sections 5 and 6 of the franchise agreement with WA - CLEC LLC.

Project Documents: Please follow this file path to access the associated documents for this project: <https://miePlan.mercergov.org/Public/Small Cell ROW Use Permits/1701-166 MIN07>

Other Associated Permits: ROW Use Permits #1701-166 and #1701-079

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 19.15.010(E).

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 the Development Services Group. Upon receipt of a timely complete [appeal application](#) and \$952.75 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.

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Revaluation:**

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**Application
Process
Information:**

Date of Right-of-Way Application: June 3, 2016
Date Franchise Agreement Approved: December 5, 2016
Public Comment Period: December 6, 2016 through 5:00 PM on January 6, 2017
Revised Notice of Application Date: April 23, 2018
Revised Comment Period Ends: 5:00PM on May 7, 2018
Date Revised Notice of Decision Issued: May 21, 2018
Appeal Filing Deadline: 5:00 PM on Monday June 4, 2018

The project is available for review at the City of Mercer Island, Development Services Group, 9611 SE 36th Street, Mercer Island, Washington.

Project Contact:

Evan Maxim, Planning Manager
Development Services Group
City of Mercer Island
9611 SE 36th Street
Mercer Island, WA 98040
(206) 275-7732
evan.maxim@mercergov.org

REVISED PUBLIC NOTICE OF DECISION



NOTICE IS HEREBY GIVEN that APPROVAL has been granted for the *REVISED* application described below:

- File No.:** MIN15
- Description:** The applicant submitted a revised small cell design on April 13, 2018, reducing the height of the proposed small facility and PSE replacement pole. The City has approved the installation of this revised facility subject to project plans on file.
- Applicant** WA-CLEC, LLC
- Utility Pole Owner:** Puget Sound Energy (“PSE”)
- Address of Nearest Property to the Proposed Small Cell:** 3720 Gallagher Hill Rd, Mercer Island, WA, 98040;
- SEPA Determination:** The proposal is categorically exempt from SEPA review per WAC 197-11-800(6)(e).
- Applicable Development Regulations:** The application was reviewed for consistency with applicable Right-of-Way Permit requirements in Chapter 19.09 Mercer Island City Code (MICC) and small cell requirements in Sections 5 and 6 of the franchise agreement with WA - CLEC LLC.
- Project Documents:** Please follow this file path to access the associated documents for this project:
https://mieplan.mercergov.org/public/Small_Cell_ROW_Use_Permits/1701-141_MIN15/
- Other Associated Permits:** ROW Use Permits #1701-141 and #1701-079
- 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 19.15.010(E).

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 the Development Services Group. Upon receipt of a timely complete [appeal application](#) and \$952.75 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.

**Property Tax
Revaluation:**

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**Application
Process
Information:**

Date of Right-of-Way Application: June 3, 2016
Date Franchise Agreement Approved: December 5, 2016
Public Comment Period: December 6, 2016 through 5:00 PM on January 6, 2017
Revised Notice of Application Date: April 23, 2018
Revised Comment Period Ends: 5:00PM on May 7, 2018
Date Revised Notice of Decision Issued: May 21, 2018
Appeal Filing Deadline: 5:00 PM on Monday June 4, 2018

The project is available for review at the City of Mercer Island, Development Services Group, 9611 SE 36th Street, Mercer Island, Washington.

Project Contact:

Evan Maxim, Planning Manager
Development Services Group
City of Mercer Island
9611 SE 36th Street
Mercer Island, WA 98040
(206) 275-7732
evan.maxim@mercergov.org

PUBLIC NOTICE OF APPLICATION AND NOTICE OF PUBLIC HEARING



NOTICE IS HEREBY GIVEN of a proposed Zoning Text Revision to chapter 19.15 MICC as described below:

- File No.:** ZTR18-004
- Description of Request:** The proposal is to amend chapter 19.15 MICC, the city's zoning code, and to add a new chapter, 6.10 MICC, to update procedural requirements related to code compliance. The amendments will affect how the City enforces code provisions but will not affect criteria or standards of the zoning code.
- Applicant/ Owner:** City of Mercer Island Development Services Group
- Location of Property:** All properties on Mercer Island
- SEPA Compliance:** The project is exempt from SEPA review pursuant to WAC 197-11-800(19)(a) which states that procedural actions relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment are exempt from SEPA review.
- Project Documents:** Please follow this file path to access the associated documents for this project: <https://mieplan.mercergov.org/public/ZTR18-004/>
- Draft code sections: 1.16, 6.10, 15.06, 15.14, and 19.15
- Written Comments:** **This may be the only opportunity to comment on the proposal.** Written comments on this proposal may be submitted to the City of Mercer Island either by email, in person, or by mail to the City of Mercer Island, 9611 SE 36th Street, Mercer Island, WA 98040-3732. Anyone may comment on the proposal, receive notice, and request a copy of the decision once made.

Only those persons who submit written comments or participate at the public hearing (if a hearing is required) will be parties of record; and only parties of record will have the right to appeal.

Public Hearing:	The public hearing will be held on June 20, 2018.
Applicable Development Regulations:	This amendment will apply to enforcement of all development regulations.
Other Associated Permits:	None have been requested at this time
Environmental Documents:	None required.
Application Process Information:	Date of Application: N/A Determined to Be Complete: N/A Bulletin Notice: May 21, 2018 Date Mailed: N/A Date Posted on Site: N/A Comment Period Ends: N/A Public Hearing: 6:00 PM on June 20, 2018

The project is available for review at the City of Mercer Island, Development Services Group, 9611 SE 36th Street, Mercer Island, Washington.

Project Contact:
Alison Van Gorp
Ombudsman & Admin Services Manager
Development Services Group
City of Mercer Island
9611 SE 36th Street
Mercer Island, WA 98040
(206) 275-7719
alison.vangorp@mercergov.org