

# NOTICE OF DECISION



**NOTICE IS HEREBY GIVEN** that a development code interpretation has been issued as described below:

- File No.:** DCI18-002 (formerly known as DCI18-001)
- Description:** The applicant requested an interpretation regarding the applicability of a portion of the Shoreline Management Plan contained in subsection MICC 19.07.110(E)(6)(b)(ix).
- Applicant(s):** Waterfront Construction, Inc
- Location of Property:** The interpretation request applies to all shoreline properties within the City.
- SEPA Determination:** This proposal is categorically exempt from SEPA pursuant to WAC 197-11-800(19).
- Applicable Development Regulations:** MICC 19.07.110(E)(6)(b)(ix) and 19.15.160(A)
- Other Associated Permits:** None
- Interpretation Documents:** Please follow this file path to access the associated documents for this interpretation: <https://mieplan.mercergov.org/Public/DCI18-001/>
- Decision:** *“If more than 50 percent of the structure’s exterior surface (including decking) or structural elements (including pilings)...” shall be interpreted* as follows:
- a. To apply to structures where more than 50% of the exterior surface, including decking, is replaced or reconstructed.
  - b. To apply to structures where more than 50% of the structural elements, including pilings, are replaced or reconstructed.
  - c. To apply to structures where more than 50% of the exterior surface and the structural elements are replaced or reconstructed.
- “...during the five years immediately prior to any demolition for the replacement or reconstruction, the replaced or reconstructed area of the structure must also comply with the following standards:...” shall be interpreted* as follows:
- a. To apply to structures where more than 50 percent of the structure will be replaced or reconstructed following issuance of a permit.
  - b. The five-year period is intended to include the cumulative total of the work authorized by a permit application, and any replacement or reconstruction work conducted within the five years immediately prior to the work authorized by the permit application.

**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: July 18, 2018  
Date Notice of Decision Issued: November 5, 2018  
Appeal Filing Deadline: November 19, 2018, 5:00 p.m.

You may review the file on this matter, weekdays between 8:30 a.m. and 5:00 p.m. at Mercer Island City Hall, 9611 SE 36th Street, Mercer Island, WA. Questions regarding this matter should be referred to:

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