

# PUBLIC NOTICE OF DECISION



**NOTICE IS HEREBY GIVEN** that the application described below has been DENIED:

<b>File No.:</b>	MIN05
<b>Description:</b>	Applicant proposed the installation of a small cell facility onto a utility pole within the right-of-way. The City has denied the installation of this facility.
<b>Applicant</b>	WA-CLEC, LLC
<b>Utility Pole Owner:</b>	Puget Sound Energy (“PSE”)
<b>Address of Nearest Property to the Proposed Small Cell:</b>	3028 61 <sup>st</sup> Ave SE, Mercer Island, WA, 98040;
<b>SEPA Determination:</b>	The proposal is categorically exempt from SEPA review per WAC 197-11-800(6)(e).
<b>Applicable Development Regulations:</b>	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. Following review, the City concluded that the project did not comply with applicable provisions of the franchise agreement, or that the application contained insufficient information to demonstrate compliance.
<b>Project Documents:</b>	Please follow this file path to access the associated documents for this project: <a href="https://mieplan.mercergov.org/public/Small_Cell_ROW_Use_Permits/">https://mieplan.mercergov.org/public/Small_Cell_ROW_Use_Permits/</a>
<b>Other Associated Permits:</b>	ROW Use Permits #1701-130 and #1701-079
<b>Decision:</b>	Denial of permit.
<b>Appeal Rights:</b>	<i>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.</i>  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 \$915.67 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 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  
Date Notice of Decision Issued: July 31, 2017  
Appeal Filing Deadline: 5:00 PM on Monday August 14, 2017

The project is available for review at the City of Mercer Island, Development Services Group, 9611 SE 36<sup>th</sup> 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](mailto:evan.maxim@mercergov.org)