

PUBLIC NOTICE OF DECISION



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

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| File No.: | MIS12 |
| Description: | 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. |
| Applicant | WA-CLEC, LLC |
| Utility Pole Owner: | Puget Sound Energy (“PSE”) |
| Address of Nearest Property to the Proposed Small Cell: | 4803 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. 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. |
| 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/ |
| Other Associated Permits: | ROW Use Permits #1701-153, #1701-078 and #1707-203 |
| Decision: | Denial of permit. |
| Appeal Rights: | <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 36th Street, Mercer Island, Washington.

Project Contact:

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