

# 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.

**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  
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 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)