

---

# CITY OF MERCER ISLAND

## COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | [www.mercerisland.gov](http://www.mercerisland.gov)



---

## PUBLIC NOTICE OF DECISION

---

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

<b>File No:</b>	CAO23-002
<b>Permit Type:</b>	Type III
<b>Description of Request:</b>	A request for a Critical Area Review 2 for alterations to geologically hazardous areas to reconstruct a new single-family residence.
<b>Applicant / Owner:</b>	Gary Upper (JayMarc Homes) / Erik and Katie Spring
<b>Location of Property:</b>	4740 W Mercer Way, Mercer Island WA 98040 King County Assessor tax parcel number: 404510-0055
<b>SEPA Compliance:</b>	The proposal is categorically exempt from SEPA pursuant to WAC 197-11-800(1)(b)(i).
<b>Applicable Development Regulations:</b>	Pursuant to Mercer Island City Code (MICC) 19.15.030 Table A, applications for Critical Area Review 2 are required to be processed as Type III land use reviews. Processing requirements for Type III land use reviews are further detailed in MICC 19.15.030 Table B.
<b>Other Associated Permits:</b>	2212-080
<b>Project Documents:</b>	<a href="https://mieplan.mercergov.org/public/CAO23-002/">https://mieplan.mercergov.org/public/CAO23-002/</a>
<b>Decision:</b>	Approved.
<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 19.15.030 Table B.

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 Community Development and Planning. 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.

**Application Process  
Information:**

Date of Application: January 17, 2023

Determined to Be Complete: January 31, 2023

Public Comment Period: February 6, 2023 through 5:00 PM on March 8, 2023

Date Notice of Decision Issued: May 22, 2023

Appeal Filing Deadline: 5:00 PM on June 5, 2023

**Project Contact:**

Grace Manahan / Assistant Planner  
Community Planning & Development  
City of Mercer Island  
9611 SE 36<sup>th</sup> Street  
Mercer Island, WA 98040  
(206) 275-7764  
[grace.manahan@mercerisland.gov](mailto:grace.manahan@mercerisland.gov)